

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

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

**Vol. LX No. 10 - 6 p.m., Wednesday, June 4, 2008**

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

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ASHTON, Steve, Hon.	Thompson	N.D.P.
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**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON JUSTICE**

**Wednesday, June 4, 2008**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

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

**VICE-CHAIRPERSON – Ms. Marilyn Brick (St. Norbert)**

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

Hon. Messrs. Ashton, Chomiak

Ms. Brick, Messrs. Briese, Caldwell, Derkach,  
Mrs. Driedger, Messrs. Jennissen, Jha, Reid,  
Mrs. Rowat

*Substitutions:*

Mr. Goertzen for Mrs. Rowat

**APPEARING:**

Mr. Kevin Lamoureux, MLA for Inkster  
Mrs. Mavis Taillieu, MLA for Morris  
Mr. Cliff Graydon, MLA for Emerson  
Mr. Ron Schuler, MLA for Springfield  
Mr. Hugh McFadyen, MLA for Fort Whyte  
Mr. Blaine Pedersen, MLA for Carman  
Mr. Larry Maguire, MLA for Arthur-Virden

**WITNESSES:**

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

Ms. Marni Larkin, Private Citizen  
Mr. David G. Newman, Private Citizen  
Mr. Craig Johnson, Private Citizen  
Mr. David Keam, Private Citizen

**WRITTEN SUBMISSIONS:**

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

Mr. Paul G. Thomas, Private Citizen

**MATTERS UNDER CONSIDERATION:**

Bill 14–The Criminal Property Forfeiture  
Amendment Act

Bill 26–The Legal Profession Amendment Act

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

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

Bill 39–The Court of Appeal Amendment Act

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

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**Mr. Chairperson:** Order please. Would the  
Standing Committee on Justice please come to order.

The first item of business we have is the election  
of a Vice-Chairperson.

**Mr. Gerard Jennissen (Flin Flon):** I nominate Ms.  
Marilyn Brick.

**Mr. Chairperson:** Ms. Brick has been nominated.

**Mr. Leonard Derkach (Russell):** I'd like to  
nominate Mr. Goertzen.

**Mr. Chairperson:** Sorry, Mr. Derkach. Mr.  
Goertzen's not a member of the committee at the  
moment. So, as soon as I announce–*[interjection]*  
The first item of business is the election of a Vice-  
Chairperson, so I'd have to move through the  
procedural part first, Mr. Derkach.

Yes, sir, go ahead.

**Mr. Derkach:** Well, Mr. Chair, the individual that I  
will then nominate is someone who has had an  
enormous amount of experience in chairing. Now, he  
was the president of AMM and, certainly, is well  
qualified for the position. I would, therefore, submit  
the name of Mr. Briese as Vice-Chair for this  
committee.

**Mr. Chairperson:** Mr. Briese has been nominated.

**Hon. Steve Ashton (Minister of Intergovernmental Affairs):** Again, the members know the rules. We were almost tempted for a moment that Mr. Goertzen be appointed. I would be interested to watch him raise points of order on himself, but we do have rules. I think we know that. I know the member quite well from Ste. Rose and I know he respects the rules. I suggest we get on with the presenters, some of whom have been here sometime before and at least one of whom knows about the rules of the Legislature.

**An Honourable Member:** He's shutting down nominations?

**Mr. Ashton:** No, no. We wouldn't ever deign to interfere in terms of Public Accounts either.

So we know in Public Accounts we have—in fact, the Member for Russell (Mr. Derkach) is the Chair of Public Accounts and we feel that kind of focus in the rules that respects the roles of opposition government members is quite appropriate so, indeed, we have one eligible nomination for Vice-Chair.

**Mr. Derkach:** Mr. Chair, just to make sure there's balance in our approach, I will also nominate Mr. Jha.

\* (18:10)

**Mr. Chairperson:** Any further nominations?

Seeing no further nominations, start with Ms. Brick. All those in favour of Ms. Brick as the Vice-Chair of this committee, please signify by raising their hands.

*A COUNT-OUT VOTE WAS TAKEN, the result being as follows: Ms. Brick, 6; Mr. Briese, 3; Mr. Jha, 1.*

**Mr. Chairperson:** Ms. Brick has been elected as the Vice-Chairperson of this committee.

#### Committee Substitution

**Mr. Chairperson:** Now, the next order of business we have is a substitution for this committee: Mr. Goertzen for Mrs. Rowat.

\* \* \*

**Mr. Chairperson:** This meeting has been called to consider the following bills: Bill 14, The Criminal Property Forfeiture Amendment Act; Bill 26, The

Legal Profession Amendment Act; Bill 35, The Statutes Correction and Minor Amendments Act, 2008; Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act; Bill 39, The Court of Appeal Amendment Act; Bill 40, The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act.

As was announced in the House, this committee will also meet in this room to consider these bills tomorrow night, Thursday, June 5, starting at 6 p.m.

At our meeting last night, the committee agreed to hear the remaining presenters listed for Bill 37. Our committee clerk contacted each of these presenters today to remind them of the meeting time. In fact, I believe contact was attempted twice for each person. For the information of committee members, we received instruction that two of these presenters did not wish to proceed with their presentations and asked that their names be removed from the list.

Also, a written submission on Bill 37 was received from Paul Thomas and has been distributed. I believe copies are in front of each of the committee members. Does the committee agree to have this document appear in the *Hansard* transcript of this committee meeting? *[Agreed]*

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

As well, I would like to inform presenters that in accordance with our rules, a time limit of 10 minutes has been allotted for presentations with an additional five minutes allowed for questions from the various committee members here this evening.

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

Before proceeding with public presentations, I would like to advise members of the public about the

process for speaking in our committee. The proceedings of our meetings are recorded in order to provide a verbatim transcript of these committee meetings. Each time someone wishes to speak, whether it be an MLA at the committee table or a presenter at our podium here, I first, as Chairperson, must indicate that person's name, and this is a signal for our *Hansard* folks sitting behind me to turn your microphones on.

Thank you for your patience, and we'll now proceed with public presentations.

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

**Mr. Chairperson:** The first person I have listed this evening, which is a second call for Marni Larkin. Is Ms. Larkin with us this evening?

Good evening, Ms. Larkin. Welcome. Thank you for your patience. Do you have a written presentation?

**Ms. Marni Larkin (Private Citizen):** No.

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

**Ms. Larkin:** I just want to thank the committee so much for having me here today. It's nice to know that there are still some parts of democracy that are alive and well and that people have an opportunity to speak to legislation that they don't necessarily agree to or see as democratic in any way.

So one of the members mentioned that I've been around here before, and I'm familiar with the process. One thing I'll start off by saying is that it's sure lovely to sit when it's this kind of weather. We used to have to sit when it was about 37 degrees. So, as far as I'm concerned, sitting till midnight on Saturdays and so on is a welcome thing for this committee.

I'm here today because I am opposed to Bill 37, and I'm opposed for a number of reasons. But I do want to start off by saying that I understand why the current government would want to move this agenda forward. Clearly, they've been in government for some time and, when you get to a place where you realize that you have to do some tough things and you're changing legislation, you're upsetting the voting base in the province, you have an opposition party that's nipping at your heels, you have to do

things to manipulate the process to ensure that you can continue to win because, when you're comfortable in a government position, looking at the opposition, your worst day in government is always better than your best day in opposition.

So I'm sure that that was the motive behind some of these changes. I'm sure that the government, after listening to these presentations and hearing people's concerns, will make the appropriate changes prior to moving forward.

I want to start off with the fixed election date. I don't know if the government has access to a dictionary, but the definition of fixed in the *Oxford Dictionary* is, actually, firmly in position, stationary, determined, established and not subject to change or variation.

If one wanted to call what the government's proposing "fixed," I think that they would have to review the definition of that word and then make the appropriate amendments. Mr. Chair, I think that the more appropriate name for what the government's currently proposing is convenient election dates.

Depending on, maybe, what the polls say or depending on how well the opposition's doing, if one needed to, one could move forward with an election and ensure that they continue to govern with their heavy fists.

It goes on from there; the next thing is the political advertising and the process associated with it. There have been a number of changes over the years in regard to the political advertising. Again, I'm very curious as to—the government has spoken on a regular basis about their position and how comfortable they feel with where they sit, where their numbers are, yet they still feel the need to maneuver and manipulate what other people are going to do to try and advance their causes.

Democracy is built on freedom of speech and the ability to ensure that voters are aware of one's position and policies. It seems to me that some of these new advertising rules put a little too much control in the hands of the government and takes away the ability for any party, regardless if it's the official opposition or the other party in the House, to advance its causes.

It seems ludicrous to me. I can't imagine that, if the majority of voters in Manitoba knew the exact extent of this, they would be supporting it.

Then we go on to talk about things, like appointed registrars. That's always interesting because we talk about having somebody who is not partisan, who is independent and who has really no view. We've seen some instances of those—what happens when people have those so-called positions.

In Ottawa recently, there was a raid on the Conservative Party of Canada's headquarters that was ordered by the new independent commissioner of Elections Canada. Funny enough, the first people on the scene at that raid were the Liberal Party of Canada, not the RCMP, whom one would expect, not the officials from Elections Canada. It was the Liberal Party. When they were questioned with regard to that, they were told that the clear link was they were informed that this raid would be happening by Elections Canada.

Again, one would dare to say that that is an independent body which taxpayers can be assured is there to watch out after their best interests. That is, yet, another example of what can happen with these so-called independent positions when they're appointed by various people that have power in mind. That's a really big concern.

When we move down and talk about some of the new taxes associated, I dare to say that, if you were to have an open call to voters in Manitoba and say, how do you feel about giving an additional \$500,000 to political parties?, I would guarantee you that more than half of them—which is what democracy is about—would say that they weren't in support of that, especially ensuring the majority of that funding went to the current governing party, so that they could continue to maneuver their agenda.

\* (18:20)

It's funny to me that this act has changed through The Lobbyists Registration Act. Yet we have all these sub-pieces; this portion hasn't really been at the forefront or the main concern of the bill, but I think that, to the people that matter, which is the people that ensure that you have employment in this building, this would be probably the largest concern. Taxes are regularly committed to being decreased, not increased secretly so that they can fund the doings of politics.

Again, we go back to what has happened in the past with parties that have used tax dollars to fund campaigns, and it doesn't have a good outcome. I understand that this is being written into legislation so it seems different, but when taxpayers catch on to

it, it won't be any different to them. I would caution the government in regard to moving forward with that.

As a whole, I guess that I'm shocked again that the government has to go to these lengths in order to ensure that they are in a position that can help them to maintain their current status. I guess it's good news on one side of things. I clearly am in support of the official opposition party, and I guess, from that perspective, it's good news because, obviously, the government is nervous and feels uncomfortable with the work that the official opposition is doing and they have to go to these extents.

From that side, I guess I'm not saddened to be here because I would suggest if the government continues with these types of acts, what will happen soon is that the official opposition will take their rightful place as the new government after the next election. That could be a reason for celebration.

I guess that's pretty much all I have to say. Everyone likes you to keep chatting at these things, but I'm sort of short and to the point. I was wondering if anybody had any questions or concerns with regard to some of my comments.

**Mr. Chairperson:** Thank you, Ms. Larkin, for your presentation here this evening. Questions of the presenter by committee members?

**Mr. Kelvin Goertzen (Steinbach):** Thank you very much, Ms. Larkin. I thank you for taking the time to come to the committee this evening, even though it's a beautiful day outside but not 36 degrees inside this building.

You mentioned that there are a number of components to the bill, The Lobbyists Registration Act, which I appreciate your comments and your experience on because we haven't had as much discussion about that as we have on other portions of the bill.

Some presenters have indicated that they think it would be more democratic for the bill to be scrapped altogether, but in the absence of that, if there would be a splitting of the bill into its five sections because they deal with somewhat different provisions and often are amending different acts. That, some might argue, makes just five bad pieces of legislation, but certainly some people suggested that it would allow individuals to digest each part separately on its own merits. Do you think there'd be value in splitting

what is described as an omnibus bill into five sections and have that debate on five individual bills?

**Ms. Larkin:** Absolutely. That's part of the problem is that the majority of the public, because it's cased into bill and it's this omnibus bill, the public have a hard time digesting each individual piece. If we were able to split it up, I think that the public would have a better opportunity to share their concerns and understand the magnitude of some of these changes.

**Mr. Goertzen:** One of the provisions of the bill which you didn't focus on specifically was the last part of the bill which allows for a government-run committee of the Legislature, referred to here as the Legislative Assembly Management Commission, LAMC, to vet or to approve mail by not only the opposition party but government members as well. That essentially means that anything that I as an opposition member, as an MLA more specifically, would want to send out, I would have to have the approval of government members. That strikes me, obviously, as concerning, but from your experience in dealing with democracy generally and constituents in different roles, do you think that infringes upon the right of constituents themselves to hear what's happening in the Legislature, as opposed to even my right as an MLA to send something out? To me, it seems to strike at the heart of the right of an individual to hear what's happening in the Legislature with an unvetted process. Would you agree with that?

**Ms. Larkin:** Absolutely. I'm actually confused as to why a government that prides itself on being open and having no secrets would feel the need to censor materials that people are sending out. For example, if this was in place right now, the majority of people in Manitoba would not have the ability necessarily to know the detail of what was going on. So, although it's already confusing, this is simply adding another layer that does not allow the ability for people to make an informed choice when they're going to an election.

**Mr. Kevin Lamoureux (Inkster):** Mr. Chairperson, to the presenter, as you're aware, this proposed legislation affects several different acts, and those acts are what I would classify as politically sensitive in the sense that they're the way in which political parties get elected. It deals with the way in which MLAs correspond and so forth. I guess what I'm going to look for is an opinion from you in regard to how the act came into being because there is only

one political party that actually brought in the legislation; no one else knew about it. No other political party is supporting the legislation, whether it's elected party representatives, or even registered parties outside of the Legislature, no one, to the best of my knowledge, is actually supporting the bill as it is.

Does it make a difference to you if there would have been other political parties involved in a consensus developed before the legislation would have been brought forward, and if so, why?

**Ms. Larkin:** It would make a huge difference to me if all parties were involved because at that point, at least when we came up with a consensus, we would know that we had a fair agreement in regard to moving forth with an election. This actually deals with people's ability to get the message out and get people behind them to ensure that they can win a seat in this legislature. If all parties aren't consulted and don't have an opinion, it really seems unfair, and once again, back to the undemocratic way to push something through.

**Mr. Leonard Derkach (Russell):** Thank you for your presentation, Ms. Larkin. In the bill, there's a provision that allows for the party to have access to taxpayer dollars based on the previous number of seats that the party was awarded in the election. There seems to be no limit in terms of the amount of money that could, in fact, be taken out of taxpayers' pockets because, although the bill sets it out at, I think \$1.25 per voter, it also has a built-in cost-of-living allowance. Yet it is the same government that refuses to give retired teachers the COLA.

I'm wondering what your views are in terms of this section of the bill and how, in fact, it perhaps is undemocratic in terms of taking money out of taxpayers' pockets, even though the taxpayer may not support that particular philosophy of that party.

**Ms. Larkin:** Well, Mr. Chair, it's undemocratic because taxpayers aren't going to be given the correct information moving forward. I mean, when you have a rolling scale, nobody can make an informed decision to say that that would be acceptable or not. The cost of living could go up by a million times, let's just say, hypothetically, and you're asking someone to make a decision based on the information you're giving them, and it could be quite skewed. So, of course, that's undemocratic when you're moving forward. If you don't have a set parameter, if there are not metrics behind it, nobody can make an informed decision.

**Mr. Derkach:** Ms. Larkin, I'm sure that many Manitobans don't really understand the details of this legislation, and, in fact, some who have presented have suggested that this is a bill that should have broader consultation than just what happens here in the Legislature. I think you alluded to that in your presentation tonight in terms of making sure that Manitobans have their say when it comes to a bill that impacts on them in this way.

Do you think that the government should, in fact, postpone this bill for a period of time and take it to Manitobans for fuller discussion and then return to the Legislature with the results of that and then proceed on the basis of what they have heard?

**Ms. Larkin:** A hundred percent, because if Manitobans had a chance individually to hear, in their own communities, what the magnitude and the impacts of these things could have on them and make opinions, then regardless of the outcome, we would all have a position where we'd have to live with it because the democratic process would have been at play, and people would have had an opinion that was heard and addressed.

\* (18:30)

**Mrs. Myrna Driedger (Charleswood):** Thank you, Ms. Larkin, for being here. Nice to see you.

The question I have and, you know, you're out there a lot with the public. Do you think that, as more Manitobans hear about the contents of this bill, at some point with that increased knowledge, within the whole political process, we could face a backlash and see a decreased number of people interested in coming out to vote because their cynicism would just be so ramped up?

**Ms. Larkin:** Absolutely. The links that I have heard in the community—and I am a business owner and I consult with a lot of various companies—is that this is government up to the same old tricks, and they're all the same. If we continue to hear that, unfortunately, on a regular basis, each election we see the number of people that vote dwindle and that is concerning, I'm sure, to all parties, because we want to make sure that the people that are elected are truly represented. When you only have 47 percent of a riding come out to vote, then whoever is elected really shouldn't feel that good about it because they really haven't had their 50-plus-one. So I think that the more these types of games and, basically, collusion continue, the less people are going to be interested in the democratic process.

**Mrs. Driedger:** An aspect in this legislation, in the lobbyist component of it, that actually uses such broad language that it creates different rules for unions coming to speak to the government versus ordinary, you know, Mr. Chair, business and ordinary Manitobans from speaking to the government. The unions are let off the hook from having to put forward reports or even consider themselves lobbyists because the language is so broad that they basically play by a different set of rules. Do you think that creates a level playing field in this province in terms of all of the people that want to come and speak to the government about various issues?

**Ms. Larkin:** No, I don't. As a business owner who—my primary business is being a consultant. Based on some of the terms and some of the definitions in this legislation, I now have become a lobbyist if this were to pass, and my business would dramatically change. It would give people that I normally am able to work with less opportunity to work with me and more opportunity to work with a union to advance a cause because their position is weighted with government.

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

Next presenter we have on the list is David G. Newman, QC.

Good evening, Mr. Newman. Welcome, sir. Do you have a written presentation?

**Mr. David G. Newman, (Private Citizen):** I do not have a written presentation.

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

**Mr. Newman:** I first want to thank the legislators of the past and present who have created this forum to allow public intervention. It's a rare privilege we have in Manitoba, and for those who perpetuate it I'm grateful for that, and it allows me as a private citizen to participate. I want to assure you I'm here as a private citizen. I have affiliations and historic affiliations, but I've also stood at this podium in the past criticizing all parties that have been government in Manitoba, and had the Liberals been in government when I've been an adult and of voting age, I probably would've been up here criticizing what they did too. Some more than others, and that's obviously why I belong to a political party other than the New Democratic Party, because I have more agreement with them than I do with you.



This bill is an example of that, Bill 37. I want to speak also to the value system that drove me to offer myself for public service as an elected official back in 1995. That's how long ago it was, and the words of Václav Havel still ring and resonate in my heart and mind at all times. I urge you to let them resonate with you, because I'm counting on it. I'm counting on you legislators today to appreciate how high your calling is and how important it is and how high the expectations are of people that have the ideals and expectations that I do in relation to anyone who's performing a service, and especially those who are paid by taxpayers to perform the service as legislators. He said, on June 8, 1995, in a speech made at Harvard University: The main task of the present generation of politicians is to assume their share of responsibility for the long-range prospects of our world and thus to set an example for the public in whose sight they work. Their responsibility is to think ahead boldly, not to fear the disfavor of the crowd, to imbue their actions with a spiritual dimension to explain again and again—both to the public and to their colleagues—that politics must do far more than reflect the interests of particular groups or lobbies. After all, politics is a matter of serving the community, which means that it is morality in practice.

With that background and that level of expectation of all of you, I'm going to call attention first to what appears to me to be a serious deficiency in process resulting in Bill 37 being created. I do speak to the individual members of the caucus of the New Democratic Party and the Cabinet of the New Democratic Party because I wonder what input they had into the creation of Bill 37. I wonder who drafted Bill 37. I wonder whether it came out of the Premier's (Mr. Doer) office by the kinds of political staff guiding it in ways that it's been done when we've had bad legislation in the past, and, I submit, disrespectful of the incredible importance of the rules governing democracy. I don't know the answers to those questions, but I'm very concerned because if the caucus and Cabinet, the individual members of your party had input into this, I say, shame on you. I say, why didn't you stand up and get something better for the people of Manitoba at the time this legislation in bill form was made available to you.

Now, let me just explain why I'm saying that and why that's so important. I do disclose that I am a member of the policy committee of the Manitoba Chambers of Commerce as a private citizen and a professional belonging to a law firm in the province

of Manitoba. Mr. Chair, I've had a long history in the involvement of the Manitoba Chambers of Commerce and I believed that the quality of their policy presentations to you is exemplary. I do commend to you their brief on this Bill 37, and I urge you to take a very close look at it. One of the things they raised was this process thing. I mean, was there proper objective and partial analysis given to this in a quality way? When you're dealing with the rules of democracy and choosing, the process of choosing who's going to get elected, there's nothing more fundamental than that.

So let's talk about that process for a moment. The process in this case was to lump together a number of different amendments to different statutes. The ones that cry out for most attention relate to limits on advertising. Now, the \$50,000 to \$75,000 is the one that I'm going to talk at, and the \$150,000 in a fixed-date election year. If the process was not a serious, legitimate process for input to begin with, the standard that I submit has to be met for legislation like this is it has to be demonstrably justifiable in a free and democratic society because it's violating some essential freedoms, most significant one being freedom of expression. So, when you impose a limit like that on the ability of people to tangibly show their freedom of choice, their freedom of expression, that is a serious intervention of a constitutional nature, a Charter-protected kind of intervention. So the process should be exemplary. The process wasn't exemplary here.

\* (18:40)

You can say, well, you've had a chance to come and speak here, but what's missing is the opportunity for political parties that aren't here, for political parties that are here but haven't engaged in a non-public kind of discussion about a proposal, hopefully to make democracy better.

If that process had taken place—almost like a labour management review committee where you have unions and management exchanging views about initiatives—if you'd done that about the rules of our democracy, then you would have identified issues: legal, policy, constitutional and simply a perceived sense of fairness, based on experienced political parties in the past. The issues would have been identified; the positions of the parties would have been disclosed; then, if there wasn't an agreement made about what would be good for democracy, there'd be an agreement to disagree,

which you could then take to this kind of process or to a broader process.

That would be meaningful. That's what private citizens expect of you. When you have the appearance of partiality, which happens every time the government proposes something that patently benefits them at the expense of other political parties, then it lacks credibility right off the bat. All the more reason you have to do it.

Then the other point I make, besides the process point—maybe this has been discussed. I have not read *Hansard*. I don't know what has happened in these debates; I haven't sat in on hearing other presenters—just one, by chance. I don't know why you've come up with \$75,000 and \$150,000. Is that substantively in compliance with what is demonstratively justifiable in a free and democratic society? What is the reasoning behind that?

In the courts, that would be scrutinized in a moment, because it seems so grossly limited when you compare it to the freedom that the government has to spend taxpayers' money right up to 60 days before an election, in addition to spending this kind of money as a political party.

Have you appreciated that, if this figure of \$1 million—that's about 0.0001 percent or less of the \$9 billion budget, and it's less than what is raised—surely, the purpose of this kind of rule is to avoid egregious abuse of wealth and power to distort democracy. This should not be to hogtie, to prevent exercises of free speech.

In closing, because I've run out of time, the fixed election date should apply to this government now and for the next election. Why shouldn't it? Games can still be played in the meantime and imposed on the other.

Finally, I just suggest that one way of dealing with the \$1.25, plus inflationary increases—make the changes that are fundamental, if they're going to be perceived with at all. Make them effective June 14, 2011. Make them effective after the next election. Then you'll get some semblance of credibility.

Let me make a challenge to the other political party which is here. I'd be very interested—they're so concerned about this bill that they'll go on record as saying, if we get elected, when we get elected, we will change that legislation, because I know these folks are gathering all this evidence and all these submissions, and they're going to throw it back at

you. So are you really serious about this and will you do it?

Thank you very much for the time to make this submission.

**Mr. Chairperson:** Thank you very much for your presentation here this evening, Mr. Newman. Questions of the presenter?

**Mr. Goertzen:** Thank you very much, Mr. Newman. Welcome back to the building. It's a pleasure to address you.

You'll probably know that legislators like to take the opportunity, when they have a chance, to ask lawyers questions without being sort of on the billable hours. We do that, and so I'm going to ask you specifically to the issue you raised about the possibility of the limitation on political parties to advertise both outside and during an election year being constitutional, whether or not it would withstand the challenge of being demonstrably justifiable in a free and democratic society.

You mentioned that an accord would take into consideration the consultation that went on prior to that provision being put into a bill. I understand that in The Elections Act, there is a provision for an all-party committee or a committee of all parties to meet to discuss changes to The Elections Act and The Elections Finances Act. My understanding is that this bill was not discussed with that committee. In fact, that committee hasn't met for over two years.

So are you indicating that that would be a factor in what a court would determine whether or not that provision, in particular, is constitutional?

**Mr. Newman:** Absolutely, that should be part of any constitutional challenge. That is an egregious kind of violation of minimal expectations with regard to due process.

**Mrs. Driedger:** Thank you, Mr. Newman, for being here and for putting forward your very thoughtful comments.

You talked about advertising, and that's what I wanted to ask you about because when this government came in, in 2000, they brought forward this limit of \$50,000 that we could be spending from our perspective. Would you be surprised to hear that, while we were held to the \$50,000 cap, government actually, each year, spends somewhere in the vicinity between \$8 million and \$15 million on advertising, keeping in mind some of it would obviously be needed and worthwhile? But out of that, with

Spirited Energy or there've been actually a number of campaigns where significant amounts of money have been spent, that you could say looked pretty obviously meant to bolster the NDP's image in the province.

Do you think that has been a fair or unfair playing field in terms of us being limited to \$50,000 and government being allowed to spend \$8 million to \$15 million?

**Mr. Newman:** My answer, Mr. Chair, would be it's unacceptably and outrageously disproportionate. I would never advocate that a government be restricted in its degree of communication, but I think the ratio between what the government spends on advertising and what alternative governments are allowed to spend as constructive critics of that, or even negative critics of that, has to be reasonable.

I challenge anyone to come up and say how can that be reasonable, let alone 75 or 150 grand for a year into the future. I would submit there should be no limits, but I can understand why there could be theoretically a need for limits, even in Manitoba, just as there has been in the United States of America for limits. I'm saying, without any hesitation, that a million dollars would be a low limit. Anything less than that would be unacceptable.

**Mrs. Driedger:** In the first six years following the NDP bringing in that legislation that capped us, their \$8 million to \$15 million a year actually added up to almost \$70 million. For a period of time that kept us really, really at the low level of our ability to challenge the government, put out advertising. So we were kept at a very low limit, while in a six-year period they actually spent almost \$70 million on advertising.

\* (18:50)

We brought in a private member's bill that would set standards—or the legislation would set standards for government advertising. The standards would be very, very specific, and, if an MLA thought that the government was breaching one of those standards, that MLA could actually make a complaint to the auditor, and the auditor would have the full ability to investigate. If the auditor found that, indeed, there was a breach of a standard, the government would then be ordered to reimburse the Crown for the cost of that advertising. At the end of each year, the auditor would have to also report annually to the Legislative Assembly on government advertising.

They do this in Ontario. It's very interesting because, at the end of a year, the auditor has put out a report that gets tabled in the Legislature on what the government has spent. Ontario has gone ahead and done this. In fact, it's even stricter than what we put forward in our private member's bill.

Do you think that's something that should be looked at here with, maybe, this private member's bill as a starting point?

**Mr. Newman:** The answer, Mr. Chair, would be that in doing the kind of due diligence that a bill as invasive in democracy as this is, setting the rules, there should be an examination of all best practices to make sure that government advertising is not being misused and ways of addressing that.

At this point, let me just say that the point that I'm making—and I think that should be part of the process I'm talking about. If it isn't done, if you don't determine in a demonstrably justifiable way that there's a need for something, what in Manitoba has ever demonstrated there's a need for those kinds of limits historically?

In Canada, what has ever demonstrated that at a provincial level? Where it has, where there are limits, what's been done to counter then that excessive power of government in its discretion to do advertising which can be seen to be supportive of a particular political party?

We have this line all the time. I watch with great interest, before anything important is coming up. I watch the union ads on television, because we get a large public-sector-union representation in this province; they clearly believe that an alliance with this government is favourable to their interest.

You can just see it's all timed coincidentally to be supportive of the government initiative concerning their particular part of the public-sector-employee representation through unions. So this is not new news, but best practices should be looked at and a process that is demonstrably justifiable of whatever they come up with should be pursued. What they come up with, in amounts and limits, should be demonstrably justified, based on evidence.

**Mr. Derkach:** Mr. Newman, thank you for your presentation. You had mentioned several things about why this bill is undemocratic.

My question to you would be regarding the rationale that the Premier (Mr. Doer) used in his comments to this bill as to the reason for bringing it

in. He said that members of the federal government are sending mail into unheld ridings, promoting, of course, their cause; one of the objections was that we, as MLAs, would be sending what the Premier termed partisan mailings into non-held government ridings.

Do you not feel that it is our duty and obligation to communicate with Manitobans about the policies of a government, perhaps, or to criticize government on initiatives taken by different ministries, so that Manitobans would indeed understand what truly goes on in the Legislature?

You were a minister; you were an MLA. Did you not feel at that time that it was your right to communicate with as many Manitobans as you could, as an MLA?

**Mr. Newman:** Mr. Chair, of course, I felt it was my right, and the limits of effectively making clear to the public that what was disseminated to them was not from a political party for everything from the colours to the major theme of the communications. There's a line to be drawn there, but, if that is an intimidation, if that precludes you from exercising responsible free speech and that is policed to a greater degree than government advertising, that, to me, is the measure. I mean, the justification for having to deal with what is a blatant government misuse of the taxpayers' money on advertising, that has to be countered and only MLAs would be able to counter it effectively and they should be granted a very, very considerable deference in doing that in the use of their budget.

**Mr. Lamoureux:** First of all, welcome, Mr. Newman, it's great to see you here.

The biggest problem that I have with this legislation is the issue of freedom of speech. I want to give you a specific example. If this bill was to pass without amendment and I was to take one of my business cards which has Deputy Leader of the Liberal Party on it and then I was to take a petition and I table a petition regarding the Crocus fund where it would say: whereas the NDP government was negligent in not watching over or doing what it is it should be, therefore be it resolved that the NDP government should call a public inquiry, and I attach the card to that petition, the petition and the card would both be ruled out because I had NDP in the petition, I have Deputy Leader on my card.

Then if I was to take an editorial about the Crocus, let's say from the *Free Press* and it made any reference to NDP, Liberal or PC and I was to

photocopy and put it into the envelope, that envelope would not be able to be mailed under this current legislation.

I'm interested in how you would respond to that.

**Mr. Newman:** Yes, I suppose there are ways that one could do it and avoid those kinds of choice of words. Because you are an MLA, you do have an office and you can be contacted in that kind of a way. So, as the New Democratic Party learned, legislation like this, the people will always find a way to overcome what is blatantly unfair.

The Conservatives now, because they've become a better and stronger party because they're more responsive to individuals and not taking a more convenient way out to get money from groups. So human beings in Manitoba are very wise and they have a great sense of fairness and I know, I don't have any doubts, the NDP is going to pay dearly for running this legislation through because it is, I believe, disrespectful for those kinds of people that have that sense of fairness.

If these kinds of things that have been described by Kevin Lamoureux are going to be the use of the legislation with the expanded definition, I guess, after fixed legislations, that's very disturbing. People are going to see that as unfair, especially given the disproportionate power that government has through advertising.

**Mr. Chairperson:** Mr. Goertzen with a short question, sir. We're almost out of time.

**Mr. Goertzen:** Thank you, Mr. Chair.

Mr. Newman, you were an MLA and a minister prior to my coming to Legislature in 1999. I had some experience, I guess, last few years with a body known as the LAMC, Legislative Assembly Management Commission, which, as you know, is a group of MLAs who sort of determine some of the internal workings of the legislation and wouldn't be well known beyond these walls, but in the time that I've been here, I've been led to believe by members of this committee and the LAMC that all decisions on that committee are made by consensus. There's never been a vote taken. No decision has ever been made without consensus. That's been reinforced to me by the Government House Leader and others.

Are you aware of any decisions that have been made without consensus on that committee?

\* (19:00)

**Mr. Newman:** Never—I was a Deputy House Leader, but the House leaders were so competent and so attentive to the needs participating that I never participated myself. It struck me, in reading the bill, that the power of this committee is such that it would seem to me that there should be published minutes of it. There should be an accountability. If there's an agreement or disagreement on it, it should be published and it should be circulated to the broad public. It should be a transparent committee and the public should know.

**Mr. Chairperson:** Thank you very much for your presentation here this evening, Mr. Newman.

The next presenter we have on the list is Craig Johnson. Good evening, sir.

**Mr. Craig Johnson (Private Citizen):** Good evening.

**Mr. Chairperson:** Thank you for your patience. Do you have a written presentation?

**Mr. Johnson:** Mr. Chair, I have one available. If the committee would like to have a copy of it, I can provide it by e-mail or I can submit it to your Clerk.

**Mr. Chairperson:** Your choice, sir.

**Mr. Johnson:** Well, maybe you want to hear it first and decide.

**Mr. Chairperson:** That's fine.

**Mr. Johnson:** I'm just going to grab a glass of water ahead of time so I don't interrupt the proceedings.

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

**Mr. Johnson:** Members of the legislative committee, Mr. Chair, ladies and gentlemen. Thank you for the opportunity for me to speak to you this evening. Thank you for your patience and consideration in listening while I and many others utilize our own freedom of speech.

*Madam Vice-Chairperson in the Chair*

Freedom of speech is one of the most hallowed rights and entitlements of being Canadian and living in our great country. Freedom to express oneself, even if we're not presumed correct, is a sacred liberty that must not be sacrificed. This freedom does come with an obligation, and that obligation is to listen to the opinions of others when they respectfully disagree.

Bill 37, which, in an omnibus package, attempts to create a Hydra's heads of minor legislation, is a terrible mistake. These amendments and new laws instead create more barriers to people participating as citizens in our political process. They reduce the flow of information from our elected representatives and shamelessly violate the principles embodied in the Westminster model of Parliaments, which is the bedrock of our sacred rights and freedoms.

This bill is not necessary at all. There is no clear need to even bring this bill into existence. Madam Vice-Chair, previous amendments to The Elections Act and The Elections Finances Act that have occurred since 1999 have been perceived to be atrociously partisan by using legislation and regulation to create tactical advantages and disadvantages to non-governing political parties and independent candidates.

Ladies and gentlemen of the committee, I will not be addressing all parts of this poorly conceived and wretchedly handicapped, malformed legislation. Instead, I will focus on two critical areas that, speaking for myself and myself alone, I take direct umbrage with and have grave concerns about the long-term implications.

I urge the government and all members of the House to reject the setting of fixed election dates and the imposition of any new restrictions upon the privileges and freedoms of the members of the Legislature, including their freedoms of speech.

I speak from experience not only as a past Elections Manitoba returning officer in the Lord Roberts area in 1999, but also as a past candidate for a major political party in the 1990 general election in Manitoba. Setting fixed election dates, which is the vogue thing to do these days, is a ruinous trend that further erodes our Westminster model of Canadian democracy and further entrenches American constitutional practices. It is with great irony that I observe that an NDP government, whose party produced great parliamentarians and Canadian nationalists such as Tommy Douglas, Stanley Knowles and Ed Schreyer, is now carrying out constitutional policies and practices that were first desired and conceived by the Reform Party.

Fixed election dates Americanize our political scene and remove traditional prerogatives, which have been part of the Canadian and Westminster parliamentary landscapes since we started electing representatives in Canada.

Madam Vice-Chair, this bill is a directed attack upon the base of Canadian democracy, that is, of responsible government. Governments, parliaments and legislatures have the enlightened and democratic right and responsibility to go to the people in a general election at any time that is needed. This includes in times of contentious and divisive legislation. A recent example of that was in 1988 when the federal government called a general election to resolve the issues with the proposed free trade treaty which resulted, at the time, in a deadlock between the House of Commons and the Senate.

Legislatures and parliaments need the right to call general elections when needed and not a fixed timetable as they do in the United States, which has a different constitutional system. I thought the NDP was a party that was trying to protect Canadian political identity. Who's being served? The holiday schedules of a political class or the people of Manitoba? Moreover, this proposed law reduces the life of a Legislature from a maximum of five years to the American standard of four years. The prerogative of dissolution has now been partially removed from the Crown and Lieutenant-Governor and is now added to the increasing workload of the bureaucracy. Just because Australia and other Canadian bodies are following this trend does not mean that Manitoba should do likewise. I thought we were innovators, not lemmings.

The role of the opposition is another critical part of our democracy. Too many times today we see regimes which curtail the rights of the opposition, and they curtail them drastically with ham-fisted, callous indifference. We witnessed this in Burma. We see this in Tibet, and we're aware of Zimbabwe, a country that was also once established under the Westminster model but has deviated from it so dramatically that it now is a byword for despots everywhere.

In all fairness and reflection, Bill 37 is nowhere near the draconian and malevolent practices of the above-mentioned nation states, nor am I calling it that bad. However, it is bad because it deviates from the traditional models of our constitutional monarchy and democracy in Canada. In a slight and dark grey bureaucratic manner, it tears away the free speech from our elected representatives to present their views and instead delegates it to a committee where the majority of the House or government will have sway. This methodology reduces MLAs to becoming mere government mouthpieces. It prevents members

from using their privileges and rights to express partisan opinions and issues.

However, what's wrong with being partisan? Members are elected within partisan political parties. They're elected by constituents to hold these partisan opinions and deliver the messages to the government and the people. They are supposed to be partisan. It's in their traditional job description. John Diefenbaker, the great Canadian statesman, said: The duty of the opposition is to cleanse and purify those in office. How can members do this if they are shackled by this proposed legislation from giving their opinions to constituents? How can they oppose a wrongful action by an all-powerful government? Not while they are bound hand, foot, and gagged by raising money to advertise their positions directly to the people due to these stale and repressive muzzles that are now in The Elections Finances Act and are coming back even further.

This new bill gives unfair advantage to the government of the day regardless of party. Members of the Legislature have a duty to report their opinion to the constituents and to those outside of the Manitoba political scene. It needs to be reported to them effectively and in a timely manner. With reduced availability of active people paying heed to day-to-day affairs of the Legislature and the media becoming more reliant upon press releases due to budget restrictions, Madam Vice-Chairperson, this is akin to giving the government a strategic advantage when communicating its message and entrenching all political party hierarchies at the expense of independent members and the occasional maverick.

\* (19:10)

Canada's first Prime Minister, our first Prime Minister, Sir John A. Macdonald, said this about what happens when governments can try to do mischief when the right occasions occur. He said: Given a big surplus, a surplus and extra majority and a weak opposition, you can debauch a committee of archangels. Governments pay huge sums of money for legal fees for activists to sue the very same governments. They fund non-profit groups to actively oppose public policies. These practices exist for the purpose of promoting fairness and equal voice being heard in the name of public good. The cost of these is phenomenal and no one elected these activists. We spend money for the voices to be heard. Why are we suppressing the right of our partisan elected leaders to present their opinions to the people when they were elected to represent these people?

Last week our Premier (Mr. Doer) entertained the Ukrainian President and lauded our guest rightly as a champion of democracy. I'm certain that this international statesman visiting Manitoba could tell us about many of the tactics used by previous regimes to suppress opposition voices. Why are we suppressing our own opposition voices? Why are we not supporting the opposition's right to be heard instead of pretending we're a one-party state? Manitobans are accustomed to changing their governments. We're not Alberta. Many members of the government may not remember or have experienced time in opposition. Remember that when this bill, if passed it can also be used on you too. I don't think it'd be right for your parliamentary privileges and freedoms to be suppressed either.

Bill 37 is a further disaster on the Manitoba statute books and should be dropped or amended into something less poisonous.

Thank you, members of the committee, for your time and attention.

**Madam Vice-Chairperson:** Thank you.

**Mr. Goertzen:** Thank you for the presentation, Mr. Johnson. I'd love a written copy of the presentation. There are a number of different things I'd like to keep from that.

Just on the issue of fixed elections, because I think me and you might differ on this point, but I'm curious because you articulate things very well, and so I want to hear some of your rationale on it.

I certainly have had some people—in the dealings that I've had in the past running in elections myself and helping others to run—indicate that they would like to know when the election is. It helps them as candidates to determine whether or not they're going to be candidates for one. So they believe, or it's been expressed to me that we'd get better participation and maybe a higher quality of candidates if there was a set election date.

The other issue is more of an operational issue, but those who run the elections in terms of enumerations have said to me that it's nice to have the set date because it helps them in the enumeration process. I know the riding that I represent sometimes is problematic because it grows so quickly that the enumerations are very poor because they can't find all the new areas that have developed in the short period of time, and they can't start the enumeration too early because so many more develop than before they actually get to the election. So it's been

indicated to me that the set election date portion of it would be helpful.

I agree with you on all the other portions of the bill, as you've described them, but just on that can you indicate whether or not you think there'd be some value in set elections on those two points?

**Mr. Johnson:** Pardon me, Madam Vice-Chair, at the risk of coming across a little bit hard-nosed on this, I would probably say that candidates are salespeople selling their message to the people of their constituencies. A salesperson does not choose the time and place when their customer is going to hear their sales pitch. I think candidates need to remember that and remember, we're serving the people. What this means is that if an election is called it's at the people's convenience, not necessarily the candidates. If a candidate, and having been a past candidate, you wait the process. Is it going to happen, isn't it; and it can be tedious. But that's part of the system. We're trying to benefit the people not necessarily the parties or the campaign teams.

With respect to the enumeration process, and having been at a very difficult riding to enumerate in 1999 when I was having to do that and had a few bumps along the way, I'll tell you the enumeration process can be painful and can be hard to do. However, I consider it as a necessary evil. I feel that it's better to do that, to have the enumeration process as it is, rather than upset the apple cart. Our system works. Why do we need to wreck it by monkeying with it?

**Mr. Goertzen:** Thank you for your comments. I do appreciate the spirit in which they're given.

You mention—you're talking about some political philosophies and different political parties. You referenced the Reform Party and some of the philosophies they had. One of the things that the Reform Party was strong on was free votes for Members of Parliament, except for money bills, except for confidence votes.

Yesterday, we had a comment from the Member for Wellington (Ms. Marcelino) who's not with us tonight but who was here last night; she indicated that not every member of the NDP caucus actually agreed with Bill 37.

Do you think that this would be a good bill to have a free vote on, so we could see how all members of the Legislature—if it comes to the Legislature in its current form—truly feel about the bill?

**Mr. Johnson:** Madam Vice-Chairperson, in the spirit of the original Westminster Parliament, which our Parliamentary system has, we have evolved into being too rigid with the whip system in Canada. This has been long-cited by both the Reform Party and other parties as being a concern.

However, it's like bell the cat. Who's going to put the bell around pussycat's neck?

As far as directly with your specific question on the free vote, I think it would be very nice. However, like most caucuses, once the decision is made in most political parties' caucuses to back a bill, everybody needs to close rank and support their political party's decision, regardless of their own personal feelings.

It would be nice to have a free vote, but I don't think it's going to happen.

**Mr. Lamoureux:** I just wanted to get your thoughts on the whole issue of freedom of speech.

If this bill passes un-amended—you might have heard the content of envelopes I was talking about earlier to other previous speakers, but this is actually what the process is. I figure out what it is I'd like to put into an envelope; I put it into the envelope; I give it to a civil servant. The government MLAs, then, will decide whether or not I can use it and, as opposed to the government telling it, they'll go back to a civil servant who will then tell me whether or not I can actually use it.

Technically, there is an appeal. You can go back to that same group that said, no, I can't put it in the mail. At no point in time am I provided an opportunity to even appeal my case.

How do you respond to that, if this legislation passes as it is?

**Mr. Johnson:** Mr. Lamoureux, at the risk of using some bombastic language, I would consider that to be utterly atrocious, reprehensible and unacceptable.

I would view this, first off, from a tactical point of view, as a delay tactic. It's very easy for papers to take a little bit longer to go through the system. An unscrupulous government may feel compelled to wait a few days till the issue dies, or to take some of the momentum out of it. That's correct.

I view this as censorship. I view this as obscene. I view that, if the government chooses not to pay for franking expenses, then political parties and private members should have the right to fundraise and not

be shackled by the oppressiveness of The Elections Finances Act.

I also would see that this is even more tightly controlled than the civil service is controlled at present by the government Communications Branch.

**Madam Vice-Chairperson:** Thank you very much for your responses and for your presentation.

**Mr. Johnson:** Thank you for your time, Madam Vice-Chairperson. Would you like me to leave my presentation with the Clerk's office? I'm sorry, Madam Vice-Chair.

**Madam Vice-Chairperson:** Yes, Mr. Johnson, that's okay. Could you leave your presentation with the Clerk and then get it photocopied?

The committee calls Mr. Keam.

*Mr. Chairperson in the Chair*

**Mr. Chairperson:** Good evening, Mr. Keam, sir. Welcome, thank you for your patience. Do you have a written presentation, sir?

\* (19:20)

**Mr. David Keam (Private Citizen):** I do, Mr. Chairperson.

**Mr. Chairperson:** We'll just wait a few moments until it's distributed, and then I'll give you the signal to proceed.

You may proceed when you're ready, Mr. Keam.

**Mr. Keam:** I do have a written place to start, but I probably will go back and forth from it. My name is David Keam and I am an interested member of the public, in the operations of government and politics. I started out being interested in government, I think, when I was nine years old. I had a paper route. I used to get up at six o'clock in the morning and deliver the *Globe and Mail*. I used to read it from cover to cover pretty much before I delivered it and went off to school.

I've always believed that politics is an honourable business, both sides of the House, and I would like to take the opportunity to thank the members of the Legislature present for their public service and, I understand, for even allowing me to speak today as I have received probably nine phone calls in the last three days telling me when different meetings are being held and when the meeting might go on till. I understand yesterday I was dropped from the list because of not appearing twice, although I did appear once or twice before and wasn't able to



speak. I was supposedly, now I've been told, the first citizen ever to be put back on the list. Thank you. I thank you very much. I don't plan to disrespect this committee in any way, shape or form.

I'm thankful that we live in a democracy where the greatest harm we want to do each is to filibuster a bill. Long ago, we put away our guns and decided to talk to each other across an aisle. Again, when we don't get our way we have replaced duels with yelling. I have recently traveled to South America to countries who, 10 years ago, had civil wars, and came home thankful for everything from building inspectors to city by-laws. Imagine, if you would, if we could teach, and we are now trying to teach the Afghans and the Iraqis to put down their guns, sit in a room like this, and talk to each other. Then, when all hell breaks loose, we'd like them to yell and ring bells and filibuster.

It saddens me when the public or the media or any member of government officials of any stripe says that politicians are acting like children when they are in the House of Parliament or in the Legislature doing their job no matter how loud it is or how long the bells ring or the filibuster lasts. This is the rules of democracy that people have died so that we can solve our problems this way. This is how it works and this is the best system in the world.

My question to this committee is, do you think if you took Bill 37 to either Afghanistan or Iraq and presented this form of democracy to either the Taliban or the Kurds or the Sunnis—do you think at this time you'd be able to get them to lay down their arms or not?

Let's say the committee as a whole, not either side, you are the Taliban and, for this purpose, the opposition. The government of Afghanistan can spend any amount it likes, telling the population how great the government is and the things that they would like to do, and the opposition can spend the equivalent of 575 barrels of oil a year to tell the public their ideas and how great they are. The government can and will appoint a neutral partisan committee of people it trusts, and I think we all know that my partisans and your partisans and my neutral and your neutral are different, and that's the way the system is. Although I have great respect for this man, we've met many times, we are partisan and neutral to our own neutralities. There's nothing wrong with that and that's the way it's supposed to be.

The government can and will appoint a neutral, non-partisan committee of people it trusts and this

committee will read all the communications of the Taliban and the Kurds and the Sunnis and it will decide if it neutral and non-partisan. If it is, it will let it pass and if it's not, it will say so and make it change it.

Now, I know the \$75,000 is one budget of communications yearly between elections for each of the opposition parties, and the MLA mailing or communications budget is another and is separate. But what I want to know is, do you think Jack Layton could take this to Afghanistan as a starting point for negotiations with the Taliban, or would he not get to first base, maybe not even in his own mind?

All the world watches right now as Robert Mugabe cracks down on his opposition with guns and fears and violence. I wonder if he had a chance to see how we propose to look after our opposition in this country, if he might not either prefer this method of handling him or her—you hand out a microphone but no radio waves to hear it—or would he be able to say to himself, I am a dictator; the entire world calls me a dictator and knows I am a dictator. If this can be done in Canada by a duly elected government, then a dictator can do much worse and what is the word of Canada to mean.

I don't know if it's right, but can I ask questions of the committee at all?

**Some Honourable Members:** Leave.

**Mr. Keam:** Not at all. Later, okay. Yes, leave please. I'd like to have one question asked of the committee. I'd like to know if they know what it costs to run a television commercial in CTV news or what it costs to run a television commercial or a radio commercial. You can't—[interjection] well, I'll tell you later, yes, I will.

Imagine, if you would, I, as a businessman—who spends more than \$75,000 in two months to wax, some would say, not so elegantly on something nowhere near as important as the exchange of political values—had my budget set by my competition and my scripts vetted for their neutrality. Okay. I started with nothing, you know, I started with nothing and spent more as it became available, but today my budget is probably 5 percent of the millions spent in this market to move mattresses and yet it is at least a sizable sum.

The \$50,000 now allotted to the opposition and the \$75,000 as proposed is an affront to democracy as the government has no such limit to spend

taxpayers' money to get its ideas across or wax elegantly or accomplish whatever side—it's just a matter of whatever side of the voting line you're on. This is not how this very important arrangement should be dealt with.

Hillary Clinton spent \$400,000 per day in her failed bid for the White House or \$215 million in 18 months and the Queen's loyal opposition is only allowed to spend \$50,000 per year between elections to get a very important second view of things to the public.

There is a saying I have about business, if you do not advertise, you do not exist. I don't want to believe that the members opposite or the other, the government—but I do believe that they probably understand this concept as well, and they are trying very hard to make the opposition non-existent in the minds of the general public.

I had a copy of Bill 37 given to me four or five days ago when I was here waiting for my turn. The opposition was filibustering, I suppose, so I didn't get my turn, but I'm not upset because I realize that's how the system is. That's how it's done. That's the only power left, you know, to the opposition is to not let something happen. Then I came back and I think I wasn't—I didn't get up again, but, you know, if I gave my staff of 30 people this much information at one time and asked them to go out and accomplish it, there would be at least a much larger chance of something getting done wrong than breaking this up into smaller portions.

In closing, I would like to ask the government not to pass this bill into law, and if they do pass it, the first thing I suggest they do is to give it to Jack Layton as a platform for his desire to have talks with the Taliban and let's see if he makes it back before the next session of Parliament. You can't say to your opposition you have freedom of speech and yet you cannot spend any money to make that speech happen. A speech is not free; speech costs money, and if you want to buy a radio commercial with CJOB, you know, it's at least \$150, \$60 to \$100 to \$90 to \$150 for a 30-second to a 60-second spot. If you want a 30-second spot in CTV news, it can run you as high as a thousand dollars, and if the government itself—if you were limited to spending \$50,000 to getting the idea of Spirited Energy across, you know very well you couldn't do it.

\* (19:30)

Advertising is how we communicate today. Advertising is democracy, and you can't say to somebody, here's a microphone, but I'm going to pull the plug on it and then you just sit there and speak and say as much as you want. Then, if you don't cross into hate speech, we won't get after you, too. But, you know, there's no such thing as a non-partisan committee. There's nothing wrong with being a partisan, but the public has to know who picks its partisans and be interested in who picks their partisans and be serious about picking them because there's no better way of doing this, but, once you get elected, you've got to leave the system for other people to use it.

In closing, I would like to ask the government again not to pass it. Democracy was born when men—and in the beginning it was mostly men, although if you ever have a chance to see the movie *Amazing Grace* you will find that no man accomplishes much without a great woman beside him—put down their guns and wrote on paper rules they would live by. Then they agreed to yell at each other to solve their problems, and then fight wars to defend that piece of paper and that idea, and that if you remove money from the procedure, you have made it impossible to get any message across other than your own. That is what many of our forefathers died to make sure never happened to us from a foreign power, and it should not happen to us from our own government.

You can't take money out of the system and then pretend the system is free. If the Americans can spend \$400,000 a day I think that the opposition, Her Majesty's loyal opposition, should be allowed to at least spend as much as The Brick spends beating up on me or beating up on each other. You know, there has to be some reason for the number that you pick, and \$150,000 isn't enough and \$50,000 is not enough and \$75,000 is not enough.

That's my written speech to the committee, and I thank you that we as citizens have the right to come and stand here.

I'd like some questions from this side, too, because you—I've been watching for four days and—*[interjection]* Well, you know it's all—which one is Mrs. Brick?

**An Honourable Member:** Well, that's irrelevant.

**Mr. Keam:** No, no, okay.

**Mr. Chairperson:** Mr. Keam, sir, I have to take control of this meeting—

**Mr. Keam:** Yes, you can. I will give it to you.

**Mr. Chairperson:** It's the committee's right to ask questions of the presenters, sir. That's our standard practice in this Legislative Assembly and, since your presentation is concluded I believe, thank you for your presentation here this evening and open up the floor for questions of the presenter.

**Mr. Goertzen:** I do have questions, but I'm willing to cede to the government if there are any questions opposite. Maybe they'll think of some other questions they have, and we'll give them an opportunity. We even offer leave if they have any questions for the presenter.

Thank you very much for coming in, Mr. Keam. I think we made a good decision last night by asking that you be placed back on the list. You brought some perspectives that we haven't heard through all of the different presentations.

You do a very good job of coining phrases that become part of the lexicon in Manitoba and more broadly. That's a credit to your ability to advertise, and we as political parties also need that as well, but you indicated that an ad on CKY would be about \$1,000 to run that ad. That doesn't include production, I'm assuming. If you wanted to produce, you know, a respectable—ad, do you know what that cost would be?

**Mr. Keam:** Mr. Chairman, a low budget presentation, if you're starting from scratch with a film crew and no talent whatsoever, just yourselves, no talent being no paid talent, it can easily be \$3,000. I recently had some ads made that were just simply cutting and pasting from high resolution photographs and that cost considerably less, but if you want to have a person walk through a room and film it and have makeup so that you don't look crazy in your high definition television sets and all of that nature, \$3,000 gets you absolutely no jingle, no talent, just yourself—and your own written script, too. So, if you want to have any professional talent whatsoever, then the sky is the limit.

**Mr. Goertzen:** And you'll find us a slogan. Do you come up with that on your own, or do you have somebody come from an ad agency on that?

**Mr. Keam:** No, I came up with that on my own. I had a second and a half left one day and I needed to fill it on a clock and that's how it came up. I daresay that if someone would have bought me lunch somewhere along the line and—you know, this is a joke, but there's some truth to it. I think for a steak at

Hy's we could have saved the government a bit of money on some of its advertising.

**Mr. Goertzen:** You certainly did better with yours than with Spirited Energy, that's for sure.

Just one last question, then I'll let the government members ask questions. On the issue of the \$75,000 limitation. One of the questions I haven't been able to get answered by anybody on the government side or any presenters, when we create legislation in Manitoba, and I'm assuming anywhere in Canada, it should be to solve a problem or to correct some sort of an error. Nobody's been able to answer the question of what it is that the government is trying to correct by putting in that limitation. It's not taxpayer's money that'll be spent, it'll be party money they'd be raising, privately, under the current system.

Can you think of what it is that the government is trying to cure by putting a limitation on political party advertising between elections?

**Mr. Keam:** Mr. Chair, I will say that the most highly paid person in any media environment is the person who sells the space on either the radio station or the television station. The lowest paid person is the person who writes the commercials, especially in radio. They're usually new graduates from one of our prestigious schools, but they are still very new to the job.

Communication is extremely important. If I spent as much money as I spend with somebody who doesn't understand my business as well as I do, saying my message for me, I daresay I wouldn't be able to get where I am today. The only reason you take money away from somebody is to stop them from having the absolute ability to actually open their mouths and be heard. You cannot spend \$50,000. Now, if I understand correctly, then the person—Mrs. Brick from Brick's Fine Furniture, is a member of this community—

**An Honourable Member:** No.

**Mr. Keam:** From where?

**An Honourable Member:** She's not from there.

**Mr. Keam:** Okay, so this is irrelevant then, if she's not from there.

**An Honourable Member:** Yeah. No conflict.

**Mr. Keam:** No conflict. Anyway, a lot more people than me should understand that you must have—money is the oil of democracy. You come to me and

you ask me for funds, and if I say no that should be the only thing between you and me. I don't want to be American rich. I don't want to hand out the same amount of money as Americans do. I don't have the ability. I don't want my system to let me be American rich. But if I'm only allowed to spend \$1,000 a year to give to political parties, then if everybody in the province handed out a thousand bucks, you wouldn't have too much money. We all know that everybody is not going to. So there is no problem that needs to be solved.

In business, there are two ways to solve a problem. You can find an imaginary one and go and hunt it down and then that screws up creativity. People often say to me, well, how many business plans have you written and why did you do this and why did you do that, and I haven't written any business plans. I'm sorry, I just formulated an idea, and went and did it. Most of them worked and some of them didn't.

If you don't have money, you can't accomplish anything. When you take somebody's money away from them, you make them silent.

**Mr. Derkach:** Thank you for your presentation, Mr. Keam. I like the way in which you presented this because it brings it right down to a level that I think any Manitoban can really appreciate and understand.

As in business, in politics our major job is to communicate with the people that we represent. In asking the government, over time, what their rationale is to limit third-party advertising, to limit our ability to communicate with our constituents, to have a censorship put on our direct mails—that censorship, of course, is done by a committee that has a majority of government members on it. All of this seems to be so undemocratic, and it flies in the face of what we try to promote in the Legislature and throughout our province. Yet we haven't been able to get any answers from the government as to why any of this is being done, except the Premier (Mr. Doer) said that he took offence at us sending mail to unheld ridings. He called it partisan mailings to unheld ridings. Yet, if I'm a critic for Education, I think it's my responsibility to send information into unheld ridings to all Manitobans to ensure that government is held accountable.

\* (19:40)

What do you think the motivation would be from this government to try to limit our ability to communicate? Is it to win the next election or is it

simply to continue to control whatever happens in this province?

**Mr. Keam:** Well, Mr. Chair, I mean, I don't have the ability to impugn what they're trying to figure, but I'll put it to you this way. I send communication into unheld ridings every day. I am attempting to convert somebody from buying from someplace else to buying from me. I think that's your job. I'm trying to get an idea across and ideas cost money to get across. If it's honestly true that people in the government individually do not know what an advertisement costs, then you can't sit here and pass this the way it is. You've just got to have the fundamentals of the concept down before you can put this out.

You know, if I just went to the bank and said, hey, you know, give me X amount of dollars, they always come back to me and ask me for at least one page that proves that I have an understanding of what I'm going to do with that amount of money that they give me. Really, they want to know what my cost is for everything I'm going to spend it on.

If I was proposing legislation that would restrict the Queen's loyal opposition, if that's an official office still these days, from opening its mouth, I would really want to be able to state quite emphatically why. I would just want to have a reason, and I would want to ram that reason down your throat until you understood that reason. I would be able to make sure that that reason was coherent, and I would understand most parts of that reason before I stood up and mentioned it.

**Mr. Lamoureux:** Mr. Chairperson, I don't have a problem if Mr. Bidhu wants to go ahead of me just to make sure that he has the opportunity to—

**An Honourable Member:** Mr. Jha.

**Mr. Lamoureux:** —I'm sorry, Mr. Jha.

**Mr. Chairperson:** You'll need to go through the entire list first, sir. Your turn, sir.

**Mr. Lamoureux:** My only concern is that Mr. Jha be provided the opportunity, the Member for Radisson, to ask a question.

I want to take advantage of the expertise that you have in advertising. If you're going to have a set dollar for annual spending and try to put it into, I guess, maybe a provincial perspective, every media outlet covers the release of the provincial budget. They're all here, and then they report on it. After the report is done, then you'll see the government will spend, if you include research, just over \$200,000 on

advertising its budget. So it's just to give you a figure. That's what I go by, right? This government spends \$200,000 to promote its budget. If you're going to have a fixed annual budget for parties to advertise, do you have any idea in terms of what it is that you would set it at if you were the Premier?

**Mr. Keam:** My thought process for my business is that every single year, I try to spend more money on advertising than the year before and less as a percentage, but still more money because, again, I'm competing against companies that are REITs, that are publicly traded, that are the same degree of power between—oh, slightly less, but only because of imagination—between the government and an opposition. These people could give away mattresses for six months if they wanted to. If the government is spending \$200,000 to promote its budget, I can tell you this. News, these days, is entertainment. They don't get into deep issues. They don't even call themselves news stations any more. They call themselves news entertainment stations. Deep issues are seldom dealt with, and, if the MLAs are stopped from dealing with deep issues too, no wonder it takes less and less of the population to get a majority government of the voting population.

People are losing interest, and one of the reasons they're losing interest is because it's being continually dumbed down. The people doing the reporting are younger and younger all the time. It's got to be left to somebody who's professional to have the opportunity to actually get out there and state their own case. It can't come through a third party all the time, like it does through either a committee or a news reporter.

You have to have the ability to state your own case, and the money to do it. Two hundred thousand is a tiny amount of money. What's the budget of the Province? Nine billion? Well, 7 percent of that's an awful lot of money; 1 percent of that, half a percent of that would give you a reasonable advertising budget, considering you're attempting to say something obviously extremely important.

**Hon. Steve Ashton (Minister of Intergovernmental Affairs):** Just first of all, I'd like to indicate that you and I have one thing in common. We both delivered *The Globe and Mail*, actually at 6 o'clock as well, but I also delivered the *Thompson Citizen* and *Winnipeg Tribune* at a more civilized hour. So I appreciate that.

Actually, you focussed a lot on certain aspects about—I know we had a presenter earlier talk about

the fixed election dates. I'm just curious as to your position, whether you think we should have a fixed date or a flexible date.

**Mr. Keam:** Mr. Chair, I disagree with even my federal colleagues, per se. I disagree with it. I think the concept of the government having the ability to bring down the House or bring down the Legislature, whenever it wants to solve a critical issue, is what you are elected to do.

If the opposition finds itself with nothing else to do but filibuster forever, and you can't get your position across, you should be left with the ability to go to the public at any time.

Making things more convenient for bureaucrats, or people who want to run for office, doesn't pale in comparison to the government being able to be able to say, okay, enough's enough. Today, we go. I want to defend this issue; this is a big enough issue that today we go.

I disagree with even a fixed election date per se.

**Mrs. Mavis Taillieu (Morris):** Thank you for your presentation. I know that you, as a good business person, and any other good business person knows that repetition is recognition.

If you're limited in the amount of money that you can spend, you're limited in the repetition that you can do and you're limited in the recognition that you get.

I know that this government knows that very well. So I believe that the curtailing of the amount that can be spent on advertising is deliberately aimed at lowering the recognition of opposition parties.

I would just like to ask you, what would you do if that happened to you in your business?

**Mr. Keam:** What's actually happening, Mr. Chair, is that the recognition of the politicians, period, is being diminished. The recognition of the public that politics is an honourable business is being diminished.

Can you give me just the gist of that one more time? I never get nervous; I'm a tiny bit.

**Mrs. Taillieu:** No, I just said that, when any good business—recognition is recognition.

**Floor Comment:** I suppose.

**Mr. Chairperson:** Sir. Just one moment, sir. You have to wait to allow the Chair to address you by

your name to allow the folks behind us to turn your microphone on, so you can be recorded.

**Floor Comment:** Okay.

**Mr. Chairperson:** So, if you'd just bear with us for a moment.

**Floor Comment:** Yes.

**Mr. Chairperson:** Mrs. Taillieu, have you finished your question?

**Mrs. Taillieu:** The point I was making is that repetition is recognition, and you don't have repetition, you cut off the recognition. If that happened to you in your business by your competitors, what would you do?

\* (19:50)

**Mr. Keam:** Mr. Chair, I have been told by the second most recognized voice in the province, who claims to be the most second most recognized voice in the province, Charles Adler, that I am the third most recognized voice in the province. Well, two things: that's wonderful for me, but it isn't all that good for you guys. Honest to God, all I do is move mattresses for a living. I'm just a business person and I'm not demeaning myself for any purpose other than—your job is far more important than mine. I don't know whether you take it as seriously as you should in realizing that you cannot remove repetition. At \$1,000 a crack, you get 75 commercials on CTV News or you could go and buy a radio station with a one-share and get those commercials for \$15 a piece, but you might as well burn your \$15. Buying good quality advertising costs far less money than buying cheap advertising. Without a reasonable budget, you're wasting all of your money. If somebody came to me and said, look, you got \$75,000 to spend over the next year, how do you want to spend it? You might as well put it in a pile and burn it. You'd get more attention then you would by actually going out and buying advertising with it. You can't accomplish anything with that small amount of money.

**Mrs. Driedger:** Thank you, Mr. Keam, for being here and for putting the whole thing in the perspective of the Taliban. I think that was a very interesting way to approach this because that kind of an exaggerated view, certainly, I think, makes this a very interesting way to look at it.

Just one question for you. If we were the government and the NDP were in opposition, do you think they would have approved this legislation?

**Mr. Keam:** I think if they had any due diligence, they'd fight it too. Let's face it, this is just not how you run a democracy, plain and simple. You have no right to tell me, five years from now, if I want to run to replace one of you, that after I successfully accomplish that goal, that I have more ability to get my message across now to sell a mattress, than I do to get an idea across as complicated as Crocus or a hydro line on one side of a province or another, or any other idea that is the purview of government that is so far more important than what I have to offer.

You just shouldn't have the ability to tell me, as the opposition, what to say, how to say it, where it goes or who can read it. Well, that might be next. I never would have thought that it would get down to \$50,000 a year. Then to think, well, now I've got to pass it through a non-partisan committee. There's no such thing as a non-partisan committee; you got chosen because you were a partisan of one person or another and that's not wrong either.

**Mr. Cliff Graydon (Emerson):** Thank you, Mr. Chair. I might look shocked, but you've waved me off before.

Thank you very much for your presentation. I really appreciate some of your comparisons in your presentation as well.

Over a period of time now, we've had a number of people present. One of the presenters was a former NDP MLA from times gone by, back in the early '70s, one of the main organizers of the first NDP government that got elected.

This might seem as a bit of a surprise but he had said that money doesn't buy votes, money doesn't buy elections, ideas and people buy elections. Would you say that he was absolutely right or partly right?

**Mr. Keam:** I would like to see anybody get any idea across today without the ink to do it, the money to buy the ink to do it, the money to buy the radio waves to do it.

We are supposedly entitled to the CBC to get our points across and things of that nature. But, in these avenues, for our ability to get our points across, they want money or they want something in exchange for allowing you to speak in those places.

Why doesn't the Legislature have its own radio station? Why doesn't the Legislature have its own television station? Why is it that I have to get all of

my—I know I can sit and I do sit sometimes and watch CPAC. People think I'm nuts—for more reasons than one.

You cannot have an election without money. If you can, well, then, give everybody zero and let's go. Give everybody nothing and let's go. Then we'll see how the ideas really transpire.

**Mr. Graydon:** Then, in that context, do you agree then that the \$1.25 vote tax that's being proposed in this legislation is the right way to raise money?

**Mr. Keam:** Mr. Chair, I was phoned during the last provincial election by the government and asked if I would make a donation to their party during the election. They had just passed a law allowing for another holiday in February, and I was just a little bit upset at that point in time, having to shell another set of thousands of dollars for that purpose. I said no, that I didn't feel that I wanted to make a contribution at that time.

I think that, if ideas buy elections, then ideas also buy contributions. People don't have the slightest idea how much of their contribution comes back to them from the government. All it is is the opportunity to actually direct your tax dollars somehow. If people had a better understanding that a contribution to a political party is just your ability to actually push your tax dollars in a certain direction, maybe more people would do it. I think that's the idea that we should be getting out to people. If you agree with what I'm saying, then hand me a cheque. That's what I go to the public for every day. If you like what I'm doing, if you like my product, hand me a cheque. The moment they quit phoning me and complaining about my commercials and quit coming in to buy stuff, then my ideas will go away.

But demanding that the system pay for your ideas when the people that they're being presented to won't is wrong.

**Mr. Graydon:** I would like to conclude with one question, but I'd also like to bring to your attention the individual that made that particular statement, at the beginning and some time ago now, in this committee was Sam Uskiw. He was a founding member of the NDP. He said that he had personally put his signature to a loan of \$250,000, personally asked the honourable Premier, Ed Schreyer, to come back and lead the party. And he did that. They did it to a victory. He said at the same time, it was ideas, that it wasn't money. But he also said exactly what you have just said, that when you take money

without earning it, it's really wrong. It's not the right way to go.

We do, I'm not sure if you know, but we do get a certain amount of money from Elections Manitoba or from the government through Elections Manitoba after the election. Once every four years we get reimbursed for 50 percent of our expenses. Do you have any problem with that?

**Mr. Keam:** Well, let's put it this way. Mr. Chair, that's the system that, again, you have to have raised that money from the public. You have to have spent that money given to you from the public to then be allowed to have Elections Canada give some of it back to you. That's the system. I don't know how long that system's been running around for, but that system treats everybody honestly. If you raise a million dollars and spend a million dollars and get half a million back, then your ideas were bought and sold in the public marketplace, and you benefited from your ideas being bought and sold.

\* (20:00)

I don't even know if it would be legal anymore today to put your name down on a \$250,000 debt to start a political party. I don't know. It might be wrong these days. But the other thing that happens with this \$1.25 vote tax is you could end up eventually with a banana republic where everybody who has the ability to get 100,000 votes or 10,000 votes in Manitoba—you had better have something pretty special going on, I would imagine, to get 100,000 votes—but you're giving money to everybody with any sort of idea that the government would buy. Again, a totally separate deal. But you find out what art the government buys in comparison to the art that business buys. It's totally different. Government buys all kinds of ideas that the public itself doesn't buy, and if you have a party that comes up and says, well, what I'd like is to make marijuana legal, which we've had, that party, they are entitled to get paid to exist by the government. The government shouldn't be paying political parties to exist. The people who want those ideas expressed should be willing to foot the bill themselves, and then if Elections Manitoba or Elections Canada wants to give back a rebate based on what was raised, that's the system the way it's been—I don't know—for 25, or 30, or 50 years.

**Mr. Chairperson:** Thank you very much, Mr. Keam, for your presentation here this evening, for answering—

**Mr. Lamoureux:** I believe that the Member for Radisson (Mr. Jha), when I asked my question, I made sure that I thought I had suggested that he should be able to ask his questions. So, if we ran out of time, there should've been leave to allow him to ask the questions.

**Mr. Chairperson:** No, Mr. Lamoureux, it's not a question of time. As Chairperson, I usually look for signals, if a person raises their hand or gives me the wave-off signal, with respect to asking questions. So I have to trust that members know what they're doing when they give an indication to the Chair with respect to asking questions of the presenters, and I'll leave it at that.

But I thank you, Mr. Keam, for your presentation here this evening, sir. Thank you for your patience and for sticking with us here for your advice this evening. Thank you.

#### Point of Order

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

**Mr. Goertzen:** I hesitate to raise this point of order, and I regret having to do it. But I feel it's not only my right as a legislator here but also my responsibility, and that I'm duty bound in fact to raise the point of order on behalf of all members, not just the members on my side of the aisle or the House, indeed, all members.

I'd referenced for you, Mr. Chairperson, and for all members of the committee, if they would look at *Beauchesne's*, at section 75, which references freedom of speech and the freedom of speech of every member to speak here at this committee. If you look at the reference, you'll see that in fact the provision indicates that freedom is, in fact, a fundamental right of a member of Parliament or, of course, a member of the Legislature, would be the least questioned and most fundamental right that we have.

So I have an obligation to try to ensure that right is maintained and defended here in the committee, which is, of course, an extension of the Legislature as a whole. I know that there are other members who will be able to speak to this issue.

I want to tell the committee what I saw, though, over the last number of minutes. We had a great presentation from Mr. Keam, and during the course of that, the Member for Radisson put up his hand dutifully, I think, in response perhaps to Mr. Keam's

ambition or request for opposition—or government members, I'm sorry—to raise questions. I give credit to the Member for Radisson because he responded that he clearly had something of importance to ask Mr. Keam.

I know the Member for Radisson's an honourable man. I think he can add a lot to the debate, both here in the committees. He's very rarely given the chance in the Legislature. I find that is disgraceful on behalf of the government. I think if they would let him participate in debates more, we would all benefit from that. We would all be better as a result of his participation in the debate, whether it's committee or in the Legislature. But, for whatever reason, and I can't begin to know why, the member is shut down repeatedly in the House.

But what I saw in committee, Mr. Chairperson, and it's particularly germane to this point of order, is that the Member for Radisson raised his hand, wanted to get on the speakers' list. I believe you probably put him on that speakers' list. Then I saw him have a conversation with the Member for Brandon East (Mr. Caldwell), and it looked like there was some sort of a dispute about whether or not—*[interjection]*. There was some sort of a dispute. Then it wasn't long after that I saw the Member for Radisson write something out on a piece of paper and bring it to the Attorney General (Mr. Chomiak), and the Attorney General shook his head in a negative fashion with a negative tone. Then the Member for Radisson returned to his seat—

**An Honourable Member:** I shook my head in a negative fashion with a negative tone?

**Mr. Goertzen:** Well, it was such a hard shake that it emitted a tone, Mr. Chairperson, and then the Member for Radisson returned to his seat and waved off his question. That's exactly what I saw, those three events: the Member for Brandon East (Mr. Caldwell) involved in the conversation and then the Member for Radisson write something out on paper, bring it to the Attorney General (Mr. Chomiak), the Attorney General shake it off so harshly that a negative tone was emitted from his head, and then the Member for Radisson return to his seat and wave off his question. I don't know what other conclusion I could draw from those events other than the Member for Radisson had in his mind and put to paper a question that he wanted to ask Mr. Keam. He indicated that initially, then had consultation with the Member for Brandon East. I see he's got his hand up again. I hope he's able to speak. *[interjection]*. Well,



you can't point of order my point of order. *[interjection]* Well, you can do that after. He'll judge and then—I have some idea of the rules here.

Then, Mr. Chairperson, what other conclusion can we draw, but that the Member for Radisson had a question that he wanted to raise—and I know other members of this committee saw the events unfold as well. You know, I might have let it slide and not raise it as a point of order had it not been for the fact that the same set of facts, the same set of events happened just a couple of days ago. Now, the players were a little different. We had the Member for Minto (Mr. Swan), who shut down the Member for Radisson from asking a question, so it just seems like nobody on the government caucus seems willing to allow the Member for Radisson to speak, which, I think, is unfortunate, not just from the democratic perspective, but because I think that the member is an honourable member who can add to the debate of the Legislature and make some good points.

I might have thought that, with the Premier (Mr. Doer) enjoying his Mexican vacation, there might have been a more democratic tone to the government caucus. *[interjection]* Well, I thank the Government House Leader for confirming that the Premier's on the beach and, in fact, with the fact that the Premier is away on the sands of Mexico that there may have been more of a democratic feel here.

It's obvious that there are a number of members who refuse to allow the Member for Radisson to exercise his democratic right under section 75 of *Beauchesne's* under our rules. I'm obligated—some might wonder, well, why am I raising this point of order as opposed to the government members? I actually have an obligation to defend the rules of the Legislature for all members. I know the Member for Radisson himself would probably stand up and defend—*[interjection]* Well, I do. You know, I have a soft spot in my heart for the Member for Radisson and I want to hear him speak, Mr. Chairperson, but I have an obligation. I'm duty bound to raise the point of order, to defend it, and I would do the same if it was for the Member for Brandon East. I would defend his duty to speak.

**An Honourable Member:** What about the Member for Thompson, then?

**Mr. Goertzen:** I would do it for the Member for Thompson (Mr. Ashton), the Crown prince of filibuster. I would do it for him. I would do it for the Member for Flin Flon (Mr. Jennissen), for the Member for St. Norbert (Ms. Brick), who may or

may not be a part owner in the Brick's Fine Furniture. I would do it for the Minister of Agriculture (Ms. Wowchuk). For any committee member here tonight and beyond, I would stand up for their democratic right to speak and to be heard because I think, as *Beauchesne's* indicates to us, it is one of the most fundamental and unchallenged rights that we have as a Legislature. Because, as the presenter said to us just a few minutes ago, if we're not able to freely express our opinions, if we as MLAs aren't able to freely express our opinions, what other function do we have? You know, what other core role is it that we are intended to fulfil as MLAs if it's not to speak our point of view and to express all that we and our constituents hold dear on a particular issue?

I know the Member for Radisson (Mr. Jha) represents as many people as I do—in a different part of the province, obviously, but around 20,000 people—and those 20,000 people expect him to give voice to their concerns. They expect him to come to the Legislature and put their concerns on—for him to put their concerns on the record. I believe he would, if he was allowed to. If the government muzzle was taken off of the Member for Radisson, if the shackles were undone, if the Premier would return from his fiesta in Mexico and allow the Member for Radisson and other members to speak.

\* (20:10)

It doesn't just apply to the Member for Radisson. You know, I really haven't heard from the Member for Flin Flon (Mr. Jennissen) on this committee either. Now, he hasn't been as bold to try to ask a question. He's been in the caucus long enough to know that it's not a road worth travelling down. He's probably experienced the heavy hand of government in the past and doesn't want to go through that exercise in humiliation again. So he's probably not able to actually put his hand up to ask a question. He's learned in the past that that's not a fruitful way for him to go.

We saw yesterday, but, you know—and this is an instructive point. The instructive point being that, when a member of the government, an opposition member is allowed to speak, some very interesting things come from that exercise. In fact, yesterday the Member for Wellington (Ms. Marcelino) indicated to us that there were members of the government caucus that actually didn't agree with Bill 37, but—

**An Honourable Member:** She did not.

**Mr. Goertzen:** Well, she did, and the Minister of Agriculture (Ms. Wowchuk) can review *Hansard*. What she said was that there were members who didn't agree with the bill, but they came to a consensus from the caucus, and consensus—and consensus—[*interjection*] Consensus is code for the Premier (Mr. Doer) going in and saying, this is the way you're going to vote, and then they reached a consensus. But, you know, that's truly not, that's truly not a definition. Then, of course, after they reached the consensus by the Premier putting down the heavy hammer, then he takes off and he wheels up on WestJet and off to Mexico to spend the next few days enjoying tequilas and watching the sunset come up over the ocean—the sunrise come up over the ocean. Sorry, and probably the sunset as well. My guess is he probably saw the sunset and the sunrise all in one night. But that's another issue, Mr. Chairperson.

The point is, and this is serious. It's a serious point, is that, when government backbenchers are actually allowed to speak, as the Member for Wellington did yesterday and as the Member for Radisson tried to do now twice at this committee, there are some instructive things that come forward. You know, I always suspected it. It always was a suspicion of mine that many opposition—[*interjection*] You know, we should actually check and see if that closed sign is on the door, but we'll do that later on. There's always—I always suspected there were a number of different members of the government who didn't agree with Bill 37, who didn't actually think it was a good piece of legislation, and that was confirmed. Mr. Chair, that was confirmed by the honourable Member for Wellington, who I appreciated came here. Now I noticed that she's not here tonight. I'm sure that she'll be punished for being so forthright in her comments. They wouldn't dare let her come and ask questions again because I'm sure that the government would have felt that what she said was embarrassing, and they shouldn't. They shouldn't. You know, I asked a very genuine question of a presenter here earlier this evening about free votes.

**An Honourable Member:** Which one?

**Mr. Goertzen:** Well, of all of them, actually. I had genuine questions on all of them, and the question was about having free votes, democratic principle about where you don't have the confidence vote, where it's not a money bill, where it's not the budget—

**An Honourable Member:** Yeah, like Stephen Harper.

**Mr. Goertzen:** Stephen Harper has had—Stephen Harper has had free votes in Parliament, and I'm not sure—

**An Honourable Member:** How many, one?

**Mr. Goertzen:** Well, you know, you might be surprised, but I don't spend a lot of time looking and focussing on the federal scene—

**Some Honourable Members:** Oh, oh.

**Mr. Goertzen:** But the reality is that there is the right to have free votes in a system, and it relates to free speech because, if we actually had a free vote where the whip wasn't on, where the icy stare of the Member for Selkirk (Mr. Dewar), the whip of the NDP party, wasn't overseeing there, if the glare from the Premier—if he returned from Mexico for the vote—if the glare from the Premier wasn't on all the opposite, or the government members, and you were allowed to freely vote on this bill, your conscience and what you believed the will of your constituents would be, I suspect that there would be a number, a number of government MLAs who would stand up, probably for a number of different reasons—

**An Honourable Member:** We give you more time to speak.

**Mr. Goertzen:** Well, I'll give you time, Mr. Jha, to speak because I'd like to hear from you. But I think that members of the government, a number of them would vote against this bill, probably for different reasons. Some of them might not agree with the mail vetting, some of them might not agree with the vote tax, but I'm sure there are a lot of different reasons that government members would vote against this particular piece of legislation if it was a free vote.

But how can you have a free vote when you don't even have freedom of speech, Mr. Chairperson? How can you allow for a free vote when members can't even ask a question? It could have been a very, you know, benign question that wouldn't have caused embarrassment to the government, that wouldn't have caused any sort of repercussions.

**An Honourable Member:** We don't want to waste time, my friend.

**Mr. Goertzen:** Well, you know, and he—and this is interesting, because the Member for Radisson says we don't want to—we don't want to waste any time, and he didn't obviously listen. If he would have been

able to ask a question of Mr. Keam, who said that filibustering was actually part of the democratic process, part of the process—the reason, the reason I know that filibustering is part of the democratic process is because the Member for Thompson (Mr. Ashton) has clearly demonstrated that through 12 days of debating.

*Madam Vice-Chairperson in the Chair*

Now this committee, and the Clerk can correct me, but I think we're nearing seven or eight days that this committee has sat and sat. Now I believe that the MTS, I believe the MTS debate sat for nine days, so we're nearing that. We're not actually at the level of filibuster of the Member for Thompson. We're not actually there. We haven't quite reached that level of grand master filibuster, and I don't think that we actually will.

But, you know, the Member for Thompson, even though I disagree, even though I would've disagreed with his point in 1990—[interjection] I'm having a hard time hearing myself.

**Madam Vice-Chairperson:** Order. I'm sorry. I'm having some trouble hearing the person who has the floor. Order. Thank you very much. I'm sorry. I am having trouble hearing the person who has the floor so, if people want to have conversations, I think that's very admirable on their part, but I would recommend that they move to the back of the room.

**Mr. Goertzen:** Thank you, Madam Vice-Chairperson. I would've disagreed with the rationale and the reason that the Member for Thompson in 1997, in November of 1997, when he was filibustering the public utilities, I actually saw, I saw the end of your five-hour filibuster, but I disagreed with the point that the member was trying to make, but I agreed with his ability to make that point, even though I didn't agree with the actual substance of it.

Now we've taken a different approach. Instead of a raw filibuster that the Member for Thompson undertook, we've raised substantive emotions and important points of order. We're trying to defend the freedom of speech for the Member for Radisson (Mr. Jha), rather than just sort of a vexatious filibuster as the Member for Thompson launched.

I think that we are living in a more civilized time when parliamentarians make sure that important matters are raised at whatever time. And, if that takes time from the committee, as Mr. Keam indicated, that's important. It's important because there are different ways. You know, Mr. Enns, Harry Enns,

who used to, of course, grace this building, one of the things he told me when I was elected, as he said, you know, a democracy isn't always a pretty sort of thing, but there are countries that they fight it out on the streets with guns and with knives. We come into the Legislature and we fight it out with words, and it's a much better system, and you need to always defend that system.

*Mr. Chairperson in the Chair*

I believe that Mr. Enns was correct in what he said, and this is particular to the point of order that I've raised because how can you actually defend that democratic right to speak as is put out to us in *Beauchesne's* through section 75, that one of the most fundamental and unchallenged rights, if the government members won't let their own, won't let their own speak to a particular bill? How are we going to learn from the best of Manitobans? You know, we're all elected here by individuals and, presumably, we would be the best people who were elected at a given time for whatever reason, and it's our duty. We're duty-bound to represent those interests from our constituents.

And I would be, you know, if the Member for Radisson wanted to take the floor right now, I'd cede it to him and he could explain to us why he's not being allowed to speak by the government. But I understand the whip has taken him out of the committee room. Perhaps we'll have to send somebody out after just to make sure he's okay and that he's able to come back in. You know, it almost feels like a union drive, you know, that somebody is tapping you on the shoulder and they've got cards that they want you to sign because we no longer have that secret ballot.

I, actually, the Member for Thompson, you know, I actually appreciated the secret ballot. I actually appreciated the fact that somebody who wanted to have the voice on whether or not they should join a union could go into the secrecy of a ballot-box room and mark an X, yes or no, up or down, whether or not they wanted to join a union.

This government, on the issue of freedom of speech and union certification, said no. We're going to allow the dark of the night, the 3 a.m. knock on the door, not the Hillary Clinton 3 a.m. phone call, but the 3 a.m. knock at the door, whether or not you want to sign this card, and somebody is saying all your other colleagues have signed it; you don't sign it, you're not going to have a job. Do you want to sign, yes or no? That's a bad way to run a democracy.

It's a bad way to exercise freedom of speech and freedom of opinion.

\* (20:20)

Similarly, at this committee, it's no different to allow a member or to not allow a member to ask a question of a respected businessman. I mean, you know, all presenters are equal. I will acknowledge that up front, but, Mr. Keam, we made a special exception for him, and I think all the members would agree we made the right decision by allowing him to come, by allowing—[*interjection*]

Well, the Member for Thompson (Mr. Ashton) has a fixation on the Communist Party. I know that he feels closely aligned to the Communist Party. I listened to the Communist Party presenter, and I think that the Member for Thompson's party will have to become less extreme to become part of the Communist Party. But I say, Mr. Chairperson, that Mr. Keam, when he was presenting here, would not put himself above any other Manitoban. He would consider himself to be like any other Manitoban. I know, you could tell he was a humble individual talking about the humble roots that he came from, but I think that we all owed him the respect to allow members, all members of the government who wanted to pose a question, to pose that question.

He actually asked for that. One of the first things he said is, I hope that I get questions from the government, and he specifically looked at the Member for Radisson (Mr. Jha). I gather they had some sort of a longer term relationship because he said that he knew the member for a long time and he wanted him to ask him a question, and he responded.

The Member for Radisson responded. His hand shot up. He clearly had a question, and you know the Terminator 2 from Brandon East went over there and said, no, you're not going to be able to answer the question. You know, he must have had a flashback and thought he was still in Cabinet and he had to go out and defend the government, and that's wrong. It's absolutely wrong that any member of this committee isn't allowed to freely exercise their right.

You know, we don't know if we'll have any— we don't have any more presenters tonight. I realize that, but there might be at some point an agreement to allow for more presenters to come forward from 37, this particular bill. Maybe a motion will pass tonight. Mr. Chairperson, there might be pass—motions come forward—you never know these things are unpredictable, but if motions would come forward

that would allow for more presenters, we'd want to ensure that there is a proper tone, that the proper tone was set.

That's all I've been trying to do in this committee is to ensure, right from the first day, and I took instruction in reading and not only remembering the debates of—the MTS debates but reading the debates prior to this committee and seeing the Member for Thompson filibustering public presenters for two hours on a motion about public hearings. I remember that there were hundreds of Manitobans who wanted to speak to the bill, some in favour, some opposed, but the Member for Thompson prevented them from speaking.

I tried to take a different road in this committee by ensuring that the proper tone was set and that all members would have a right to have their voice heard, that all Manitobans would come here with confidence. They would feel confident. Mr. Chairperson, they could approach that mike to this august committee, this esteemed committee, and be able to make presentations knowing that there were no shackles, that there were no limitations for any individual to speak.

Yet the heavy hand of government has been exercised in this committee time and time again. You know, Mr. Chairperson, we've seen motions defeated that would allow for more Manitobans to register, to make presentations to this particular bill after the rules would say there wouldn't be more presentations. We've seen motions defeated that would allow this committee to only sit at reasonable times during the night, which relates to freedom of speech. We've seen a number of different motions that have been defeated as a result of that—

**An Honourable Member:** We sat all night.

**Mr. Goertzen:** Well, and the only reason, of course, that they sat all night on the MTS debate is because you wouldn't stop talking, the Member for Thompson, and they went five and a half hours. That's why they went overnight; otherwise, it probably would have been a reasonable time period.

Even on the Saturday, when you look at the Saturday that MTS sat. They started at 9 o'clock and ended about 3 o'clock. We'll see what happens this Saturday when hog producers from across Manitoba come to make presentations whether or not it'll go to 3 o'clock or to midnight. My guess is it'll go much longer than even the MTS debates. So you can try—[*interjection*]—not on a Saturday.

So you can try to revise history, Mr. Minister, the Member for Thompson, but I saw part of the history. I've read part of the *Hansard*, and you're not accurate when you put some of those words on the record.

The actions of the members opposite when it comes to ensuring their freedom of speech is maintained at this committee have not matched their words. They're good on rhetoric, but you know they don't like to walk the walk. They talk the talk, as the Member for Thompson likes to say sometimes in the House. He says it in a different context, but here they like to talk the talk, but they don't walk the walk. They shut down and they shoot down motions that would allow for more democratic abilities, more opportunities to speak.

You know, when you raise a point of order like this, you need to think of the future. It's more than just simply talking about what happened today, but it's about defending the rights of any members who might come to this Legislature in the future. Some day I'll be succeeded by an MLA, and others will be succeeded by MLAs, and we have to ensure that their rights are defended because there is a precedent. There is a precedent that's being set. Whoever follows us in the days ahead needs to know that we fought for their democratic right as those who came before us, fought for our democratic right to be able to speak in committee and in the Legislature.

We all owe a debt of gratitude to those who came before us, who raised points of order, who used their democratic abilities and the procedures of the House to ensure that all of us were defended even before they knew who we were, even before they knew our names. Even before we put our own names on a ballot others were defending our right to ensure that we—[interjection]

Is that the height of irony? Is that the height of irony that the Member for Radisson (Mr. Jha), who isn't allowed to speak, wants to get to work? I'm beside myself. As the Minister of Family Services (Mr. Mackintosh) would say, I'm out of my skin. I'm out of my skin that the Member for Radisson wants to work, but he's not allowed to say anything. I have to tell him that part of the way we work in this Legislature is we speak. One of the things that we actually do, part of the job that we actually do as MLAs is we have to say things. We have to represent our constituents, a key part of what we do. It's not just bringing pieces of legislation, not just putting up your hand to vote when it's time to vote or standing

up when the whip looks at you and says, stand up, we're voting on a piece of legislation. You actually have to put your own comments on the record.

Well, now, the Member for Radisson, now he's done it. Now he wants to talk about different perspectives. He talks about a business, a production business that he worked to shut down in his industry. He had the freedom of speech to do it, though. He had the freedom of speech to speak about that. One of the things, I may have disagreed with the Member for Radisson, but I never went and said that he shouldn't be able to speak, that he shouldn't be able to express his views. I may not have agreed with those views, but I never said that he didn't have the right to say what he was saying. I defended him then as I defend him now. I think I've defended the Member for Radisson more than I've defended the members on my own side of the House. I spent more time in my legislative career defending the Member for Radisson than any other member in this Legislature I think. [interjection]

He can defend himself. I know that, but he's not able to. If they would ever let him speak, he would be able to defend—he's more than capable. I know he's qualified and he's certainly an honourable member, but if you're not given the opportunity, and *Beauchesne*, section 75, indicates that each of us should have that opportunity. Then how is it, Mr. Chairperson, that he's able to do his job? If this had occurred in the House, I would have raised it as a matter of privilege because, in fact, it would, I think, impeach the ability of a member to do their job, to fulfil their legislative responsibilities. But we're not in the Legislature, so I can't raise it as a matter of privilege. It needs to be raised as a point of order under the sections related to freedom of speech.

We've heard tonight, Mr. Chairperson, how countries degenerate when others and people don't stand up for the right of freedom of speech, when there isn't the freedom of a press, when there isn't freedom of the media. When the Legislature doesn't operate on that basis of freedom, it trickles through the entire system. Right through the system there's a negative effect. We would see the negative effect here tonight. This is a unique process. It's not done anywhere else this way in Canada. We can improve this process. I've submitted to this committee a number of different times that there are ways that this particular process could be improved. But it doesn't mean it should be scrapped altogether. I defend the right for Manitobans to come and speak to

this committee. Could it be improved? Absolutely. But is it still a process worth defending? It is.

You can only defend it when you know, Mr. Chairperson, that those who come before the committee feel free to speak and feel that their opinions are being listened to and being heard. They need to be heard otherwise they won't come. Who would come and present at a committee hearing if they didn't actually believe that the committee members were going to listen to them and would be able to express their particular opinion? Who would do that? Who would feel the right, as a citizen, or take the time on a summer day—and there are a lot of other things happening here in the province of Manitoba today. I can look out the window and I can see the fountain going, a beautiful fountain, by the way. I think a good decision to build a plaza in the south part of the Legislature, a beautiful fountain on a beautiful day, and Manitobans would have other things to do than to come to a committee and make a presentation.

\* (20:30)

But they come with an expectation. They come with an expectation, Mr. Chairperson, that we're going to listen to them and just not listen to them but actually hear them. You know, there's the passive art of listening where you just listen to what's happening and then there's the more active part of hearing, of actually hearing what a presenter is saying. Then, when you hear, that sparks questions. That sparks the desire to ask questions and to learn even more.

I know that the Member for Radisson (Mr. Jha) was listening, and he was hearing. He had a question that he wanted to bring forward, and who knows what the question could have been? I'm only speculating now. I'm certain in my mind, Mr. Chairperson, that the Member for Radisson had a question, but it could have been something as innocuous as, how did you hear about Bill 37? When's the first time that you heard about the bill?

Would that have embarrassed the government? Would that question have been so bad—[interjection] Well, you know the Minister of Justice (Mr. Chomiak) is quite upset that the Premier (Mr. Doer) is in Mexico and on the beach when he should be here. I actually agree with him. I actually agree with the Minister of Justice on this because when I look at Bill 37, it should not say the honourable Mr. Chomiak on the bill. It should say the honourable Mr. Doer because I can't remember—[interjection] Well, the Member for Radisson likes to speak now

but doesn't like to put it on the record, but the honourable Premier should be on that bill because I don't remember a significant change to the election laws of our province that wasn't introduced by the Premier.

I think it's wrong that this bill was foisted upon the Minister of Justice, and I suspect that there are other members of the government would agree with me that it shouldn't have been the Minister of Justice who's having to carry the water, carry the mail, on this undemocratic bill. I have sympathy for the Minister of Justice on this regard because I don't think that he should be the one who's having to bear the brunt of this bill while the Premier is ordering another *cerveza* at a resort in Mexico. It shouldn't be the Minister of Justice who's having to do this—[interjection] *Cerveza*. It's Mexico for beer.

I actually was in Mexico many years ago—this is an aside; I'll get back on point—when I was young. When I was young, I went to Mexico. I was about 20 years old and I didn't know any Spanish. Somebody told me, just before I got on the plane, that I only needed to know three words. One was *cerveza*, which means beer. One was *bonito*, which means beautiful, and what is *cuanto*, which means how much. So you can imagine a young Mennonite being in Mexico, and all I knew how to say was how much for the beautiful beer, right? It wasn't good advice as I went to Mexico, as I boarded the plane. [interjection] I don't know all the Spanish words that the Premier knows, but the point being that it shouldn't actually be the Minister of Justice who's bringing forward and having to carry the mail on this bill.

It shouldn't be the Member for Radisson who's not allowed to speak and ask questions because his question could have been a simple one, how did he hear about the bill? It might have been more in depth. He might have been wanting to identify himself as—

**An Honourable Member:** You guys have nothing better to talk. Keep on Radisson, Radisson, Radisson. You have something better to talk—talk on the bill.

**Mr. Goertzen:** Well, my goodness. I haven't heard that many words out of the Member for Radisson in the last number of years.

**Some Honourable Members:** Oh, oh.

**Mr. Chairperson:** Order, please.

Mr. Goertzen, to conclude your remarks, please, sir.

**Mr. Goertzen:** Yes, to conclude, I think that the argument has been coherent and collective enough that you'll find in my favour. To conclude, when we look at the democratic rights that we have, and I wouldn't want to put a hierarchy on those rights. I wouldn't want to say that there's one right that's more prevalent or more pressing than another right, but, certainly, if we were forced to, if somebody came to me and said, you have to tell me which right above all others that you would defend as a parliamentarian in the Legislature, I would say it's the right for freedom of speech, and whether I have to defend it for myself to be able to say something in this committee or the Legislature, whether I have to do it for the Member for Springfield (Mr. Schuler), who, I know, is quiet and doesn't like to express his own opinions, or whether I have to do it for the Member for Radisson who has, I know, many valid opinions, but who's not allowed to speak his mind when he has valid things to say in this committee. I will do it and I know, Mr. Chairperson, that you are also vested with the responsibility of ensuring all of our rights and all of the rules are enforced and protected and you will, through your ruling, after we've heard from more presenters, more speakers, you will ensure that this right is protected. But I know that you believe in freedom of speech as much as I do. Thank you very much.

**Mr. Chairperson:** Before I move to the next members of the committee who wish to speak to the point of order that are on my list here, I'd ask all honourable members to keep their comments germane to *Beauchesne* Rule 75 I think that was referenced by Mr. Goertzen as the basis for the point of orders.

We'll now proceed with the next individual.

**Mr. Derkach:** Thank you, Mr. Chair. I am happy to speak to this point of order since I've looked with some surprise at how the government manipulated the Member for Radisson (Mr. Jha) and prevented him from speaking. If we had all not been here and present when the Member for Radisson put up his hand to get your attention to allow him to ask the presenter questions, then perhaps we could be convinced that never happened. But we were here. We were present. We witnessed it. The Member for Radisson made it very clear that he had a question to ask. When the Member for Inkster (Mr. Lamoureux) wanted to give up his spot, of course, you quite

correctly intervened and said you had a speaking order and that the Member for Radisson was down on the speaking order. He was not right at that point where he could speak.

However, when members of the government realized that the Member for Radisson had expressed an interest in speaking, the Member for Thompson (Mr. Ashton) and the Minister of Justice (Mr. Chomiak) both intervened in a subtle way, I might say, and went over to the Member for Radisson and basically said to him that he didn't need to ask any questions.

Now, knowing the Member for Radisson, he's a gentle man. He's an individual who has a great deal of respect for his fellow man and, even though he would have wanted to express his questions and his thoughts, Mr. Chair, unfortunately, the Member for Radisson wasn't allowed to do it. We should not, as members of this committee, as members of this Legislature, ever prevent a member around the table from asking a question of a presenter. I think it is wrong for us to suppress, if you like, speech around this table and to suppress a member's right to be able to express a thought, to express a view, an opinion or to ask a question. We witnessed that this evening in, I think, a somewhat insulting way. I think it was an insult to what we all believe in, and that is the freedom of speech. It is one thing for the government to put a bill forward in this Legislature that would prevent us from speaking, but it's another matter for the members of the government to then muzzle their own member, their own member, a member who represents a constituency in the city of Winnipeg, in the province of Manitoba, to muzzle him from being able to pose a question to a presenter.

Now, Mr. Chair, what is the government afraid of? What would this Member for Radisson ask that was so outlandish that would call for the government to muzzle him and prevent him from asking that question? What would have been so dangerous of him asking a question in this committee? If he were sitting on this side of the House, if the Member for Radisson were a member on this side of the House there would be no question about him being able to stand up to ask his questions, to present his views, to express an opinion. We believe in that freedom of speech.

Unfortunately, as we have seen through Bill 37, this government doesn't believe in those things. This government doesn't believe in those principles, and they even overtly, overtly in a committee go over to

one of their members and say, na-na-na. Don't ask a question, na-na-na-na. Don't ask the question. Don't express an opinion. Don't express a thought because you are not allowed to from our side of the House.

\* (20:40)

So, Mr. Chair, how is he going to answer to his constituents, though? How is he going to answer to his constituents when they ask him, why didn't you ask a question of Mr. Keam? When you had put up your hand to signal that you wanted to ask a question and then you were told by your members, by your own members not to ask the question? How are you going to answer? How is the Member for Radisson (Mr. Jha) going to answer to his constituents that he was not allowed by his own colleagues to ask a question in this committee?

Now, Mr. Chair, we all have a right to speak. We all have a right to ask questions, and whether we are independent members or whether we are members of a committee or members of a party, we should have that right to be able to stand up in either the House or in a committee and pose a question and express an opinion. Why is it that this government wants to suppress the freedom of speech of one of its own members and that is the member who represents the constituency of Radisson?

Now, I heard the Member for Radisson express a few thoughts from his chair when he wasn't recognized, but perhaps it would be even more important if he would put some thoughts on the record with regard to this particular point of order. Maybe we could get a better understanding of why it was that the Member for Radisson decided, after being consulted by members of his own caucus, that he didn't need to ask a question anymore, that he wasn't prepared to express an opinion anymore. Why did that momentary consultation with his colleagues all of a sudden change his mind about expressing his views or asking a question?

This isn't the first time. This isn't the first time that we've seen this. My goodness, the other day, we were in committee and once again, the same member wanted to pose a question, wanted to express an opinion and was shut down by members of his own committee.

So, Mr. Chair, I don't understand why it is this member tolerates that kind of thing. I mean, this is certainly something that we all fight for, the freedom to express our views and our thoughts, and I know that the Member for Radisson is quite capable.

**An Honourable Member:** This is your time to ask questions.

**Mr. Derkach:** You see, Mr. Chair, the member does want to speak. You can see that he wants to express his opinions, but he just can't get on the record. The member of his caucus will not allow him to have his mike turned on, so he can put his comments on the record. Instead, he has to interject in vain when someone else is speaking to try to express an opinion.

I think his caucus owe him the right to be able to, from his seat, have his mike turned on and to express his views and opinions so that, indeed, it could be put on record, so that his constituents would know that he is truly expressing their views and he's representing them in this Legislature.

How can members of the government ever expect someone from their caucus to represent his area properly if that individual isn't allowed to speak? Now, I've heard the Member for Radisson read a script in the House when it's a member's statement. I know it's been prepared for him to read because, otherwise, I know he would stand up and express his thoughts freely without script, but he's been scripted. But he's been scripted to express his views. *[interjection]*

See, Mr. Chair, as I told you, he wants to express his views. He should have the right to do that, but he should have his mike turned on in order to be able to express his views and to have those views recorded in *Hansard* so that he can then send it out to his constituents and say, here is how I've defended you people in this Legislature. He cannot send anything out to his constituents from *Hansard* because his caucus will not allow him to put any comments on the record. Now, that's a travesty. In a democratic society, that's a travesty.

Mr. Chair, we come back to Bill 37. Now, in Bill 37, again, the government is trying to use its majority to do what they're doing to the Member for Radisson (Mr. Jha), and that is, stop us—

**An Honourable Member:** Muzzle.

**Mr. Derkach:** —muzzle us from being able to communicate with our constituents, with the people who have elected us to this Legislature.

So they're doing to us, Mr. Chair, through Bill 37, what they are doing to the Member for Radisson right in their own committee. We've heard expressions about this from members of the



community, the latest being Mr. Keam who came forward and, in very plain English, expressed why it's so undemocratic to have government do what it is doing. I submit that it is equally as undemocratic for them to suppress the voice of their own member, the Member for Radisson.

Now, Mr. Chair, you know, the Member for Brandon East (Mr. Caldwell) says, well, I only went over to invite him for supper. Uh-huh. Uh-huh.

**An Honourable Member:** At 9 o'clock?

**Mr. Derkach:** At 9 o'clock.

**An Honourable Member:** What kind of a supper is that?

**Mr. Derkach:** I went over there to invite him for supper. Uh-huh. [*interjection*] Now, you see how ridiculous this tends to get. We have members of the government who, under pretence say that, oh, I was just over there inviting him for supper. Well, all of a sudden, that invitation caused the Member for Radisson not to want to speak anymore.

**An Honourable Member:** And then he had to write it down?

**Mr. Derkach:** And then he had to write something down and run it over to the Chair.

**Mr. Chairperson:** Order, please. Let's have some decorum in committee, please. The Chair would appreciate it.

Mr. Derkach, to conclude your remarks, please, sir, on the point of order.

**Mr. Derkach:** Well, Mr. Chairperson, there's so much to say about this. We need to be able to express our views because we, I think, on this side of the House are trying to speak for the Member for Radisson to make sure that we impress upon the government how important it is for the Member for Radisson to be given the right to speak into the mike, to have his comments recorded on record. As my colleague, the Member for Steinbach (Mr. Goertzen), has put on the record, it is one of those freedoms that we have, we enjoy in this country and that we have to defend in this country and in this province—the right to speak, and *Beauchesne* addresses that issue. It is one of the principle freedoms that we all fight for. It is the principle freedom that our forefathers fought for and died for in the World War so that people like the Member for Radisson and myself could stand up freely in this Legislature, could stand up freely in committee, put our thoughts through this

microphone onto *Hansard*, ask the questions freely of people who come before this committee so that, indeed, we can then be properly representing the individuals that have put us in office.

For his colleagues to do what they did to him, Mr. Chairperson, I think it's unconscionable. I think it's insulting. I think it's degrading. I think the Member for Radisson has every right to be upset, not at us, of course, 'cause we're standing by him. We are standing by the Member for Radisson. We are defending his right—[*interjection*] We are defending his right, as his colleagues should be doing.

Mr. Chairperson, and now—and you see the poor member is trying to express views, but he's only allowed to do that—

**An Honourable Member:** Off the record.

**Mr. Derkach:** —off the record. He cannot put comments on the record. I invite him, and then I will challenge any of these members if they try to disallow him from putting comments on the record with regard to this bill and with regard—perhaps, he can enlighten us as to the question he had in his mind that he wanted to ask Mr. Keam, and maybe we could then send that question to Mr. Keam so that it could be answered for the Member for Radisson, and then he could tell his constituents, I asked this on your behalf.

So, Mr. Chairperson, I support the motion, the point of order that was put forward by the Member for Steinbach. I think the Member for Steinbach did an honourable job in putting his remarks on the record and ensuring that every member in this Legislature has the right to speak and we, as members on this side of House, will stand up for members, even if they are members of the government, members who are opposite to us and they aren't given the right to speak. We will stand up and make sure that we fight for their rights as well. It doesn't matter whether it's the Member for Radisson or any other member of government that is trying to be—that is being muzzled by his colleagues, we will stand up for his rights and we will express those feelings and those rights on the record so that, indeed—maybe, I'll send some communication into the Member for Radisson's riding so that his constituents will know that we stood up for him and he wanted to ask a question, but wasn't given the right to ask the question in this committee.

With those comments, I conclude.

**Mr. Chairperson:** I thank all honourable members for their comments to this point of order. I think the Chair has heard enough advice on this point of order this evening. We've gone on for well past half an hour with respect to this point of order and the Chair—

**An Honourable Member:** Oh, I was longer than that.

**Mr. Chairperson:** That's why the Chair's indicating that we're well past that mark.

\* (20:50)

The Member for—Mr. Goertzen has raised the point of order based on *Beauchesne's* rule 75, and I must indicate to the Chair that, in my performance as a servant of this committee, I look to the members of this committee when they wish to ask questions of any presenter or to ask any comments or questions of the ministers when we get to clause-by-clause consideration of various bills, and I keep a list of those individuals who wish to make a presentation.

I also, because I do this based on hand signals that the honourable members of the committee give to the Chairperson, have on numerous occasions through this committee process had members of this committee on both sides of the table indicate to the Chair that they wish to have their names struck from the list, with respect to asking questions in particular of presenters.

So, in this regard, I must rule that the individuals are all honourable members here, and they've had the opportunity to indicate to the Chair whether or not they wish to have their opportunity to ask questions or to have their name removed from the list and ability to ask questions.

So, therefore, I must indicate, with respect, to members of the committee that there is indeed no point of order.

\* \* \*

**Mr. Goertzen:** I have a motion for the committee, Mr. Chairperson. I have to pick one, I guess, now. This is a good one.

I move

THAT this committee recommend to the House that Mr. Preston Manning be asked to make a special presentation before the committee to address issues related to Bill 37 and its democratic principles.

***Motion presented.***

**Mr. Chairperson:** I believe the motion is in order.

Comments?

**Mr. Goertzen:** Obviously, I think it's an outstanding motion to bring before this committee at an opportune time. We've had the opportunity now to hear from more speakers, more presenters than I know the exact number for, but certainly many have come forward, Manitobans, to speak on this issue.

What better opportunity for us to use the unique opportunity that we have, as MLAs, to invite special people with special knowledge and who are recognized, I think, as statesmen across Canada.

Mr. Manning I have had the opportunity to meet a number of times over the last number of years. One of the first opportunities I had was as a university student after high school. Mr. Manning, then as the leader of the opposition, federally, was at the University of Manitoba. We had the opportunity to have lunch together at the U of M and to discuss a number of different issues as it related to Canada and where Canada was going as a nation.

I didn't agree with everything that Mr. Manning had said at that time in the discussion. I certainly agreed with most of what he said during that discussion, but not everything. What I did come to realize was that Mr. Manning was a person of unique abilities, vision and foresight about Canada and about the democratic process, generally.

All of us, regardless of what political party we represent, I think, can recognize individuals who have special merit, regardless of which party they represent. We heard from Sid Green not that many days ago who used to be, or I think maybe still is, well, used to be a New Democratic member. I agreed with much of what Mr. Green said, not everything, again, but certainly many points. I respect him, not only as a strong orator, but also as somebody who has passion and who has a lot of commitment and ideas for the province of Manitoba. So, while Mr. Green and I, for the majority of our lives, haven't shared the same political party or affiliation, I think there can be mutual respect between individuals.

So I would hope that government members, members of the NDP, wouldn't quickly dismiss this motion as purely partisan, and wouldn't rule out the invitation to Mr. Manning just because he may not share the same political orientation as the members opposite.

Now, in this stage of his life, as he advocates for and has created the Manning centre for democracy, what better person could we have who's not now affiliated with a political party in an elected sense but who is out there—in an elected sense, but is out there trying to promote democracy? What better person to come before this committee to share his views on what Bill 37 will do to the democratic process?

Certainly, we have time. I won't speak for Mr. Manning's schedule, but I know we as a committee have time to allow this presentation to take place. We could make the invitation. It might be a week or two weeks before we can firm up a date. We could come back together at that point and have Mr. Manning speak to this committee.

I think it would not only benefit us as MLAs but other Manitobans who might also want to come and hear his presentation about the democratic principles as they relate to Bill 37. I'm sure that many MLAs who aren't members of the committee would come in to hear the presentation. I'm sure that many general members of the public, if it wasn't held at midnight or some other unfortunate time of the day as this committee has often sat, would come and hear Mr. Manning's presentation and would take a great deal of wisdom away from it.

I think one of the failings of committees, generally, in the Manitoba Legislature is that we don't avail ourselves of expert witnesses very often. Other levels of government and other committees have the power not only to summons experts, and that's a power rarely used, but certainly power to invite experts to come before a committee. It's almost, I think, the height of arrogance sometimes that we as committee members think that we don't need to hear from experts, that we know everything ourselves, that we couldn't improve legislation by hearing from people who have a long track record, an academic record and experiential record in how democracy and other issues work in Manitoba and across the nation. So what an opportunity for us now to extend the hand of invitation to somebody as noble as Mr. Manning to speak.

You know, in the spirit of bipartisanship, I would say to members opposite, perhaps they have other suggestions about experts who could come before the committee, some that they might not think would be naturally aligned to my own political affiliation, but I'm open to those suggestions. If members want to bring motions forward to invite other members of the public to have them present on

Bill 37, I think we should entertain those motions. Perhaps the Member for Radisson (Mr. Jha) would have somebody in mind and he'd want to bring forward that motion.

In fact, any member can bring forward a motion, the Member for St. Norbert (Ms. Brick), the Member for Brandon East (Mr. Caldwell). Any of these members can bring forward a motion at any time during the committee hearing. Even at any time during clause by clause they can bring forward a motion, and we as a committee can debate it. So I would challenge them to think of individuals who they would like to summons, or to invite is probably a more appropriate word, to come to this committee—

**An Honourable Member:** Summons, now I heard it.

**Mr. Goertzen:** Well, I know the heavy hand of government. The Minister of Intergovernmental Affairs (Mr. Ashton) liked the word "summons" because it has that strong dictatorial feel to it.

I would say we could invite members of the public. If members opposite, government members, have suggestions let's do that then. Why should we close our minds to ideas that others might have and who've learned from mistakes that they've maybe made in the past or witnessed in Canada or other countries.

You know, there are many people that we could collectively come up with, a list of individuals who would be of benefit to this committee to come and make representation here. We could maybe have a few different presenters on the same day. We could arrange for their schedules, and we could have the media here. I know the media would be very interested, certainly in Mr. Manning and whatever other experts were invited to the committee. It wouldn't become a cause célèbre per se, as the Premier (Mr. Doer) likes to say in a different context, but it would generate interest and it would generate debate and discussion.

I don't know why government members are worried and scared about debate, why they're not interested in having a democratic dialogue on issues, and listening, and casting the net, I would say, a little wider, trying to ensure that all those who could add some expertise to this particular issue couldn't be brought forward to the committee, to hear presentations.

When you look at the track record of Mr. Manning, you know, I remember back in the early 1990s when very few people were talking about balanced budgets. Mr. Manning was one of the first who said we needed to ensure that provinces and the federal government started to live within their means and to have balanced budgets across Canada and in the individual provinces. Manitoba, I'm happy to say, was one of the first provinces, in fact, in 1995, to introduce and pass balanced budget legislation, against the wishes of the then-opposition, the New Democratic Party, who fought tooth and nail to try to prevent the government from living within its means because they wanted to increase the debt and the burden to our children and to our grandchildren.

\* (21:00)

Now, after eight years in government, in another committee room we see this NDP government trying to claw its way back into a legal deficit, and to strip and to gut balanced budget legislation, to run the deficit that they feel they need to run.

Mr. Manning, I would say, could not only come and speak to Bill 37 because of his expertise in democracy and the democratic process, but he'd be well qualified I think—and we could double our money on this one, Mr. Chairperson—we could have him speak also to Bill 38. He could speak about how a balanced budget legislation was an important initiative that he led in the early 1990s and that governments across Canada followed.

Of course, unfortunately, today we see that the NDP Party of Manitoba are trying to undo that legacy of fiscal responsibility that Progressive Conservatives brought to Manitoba in the 1990s, and that Mr. Manning, through his own efforts as the official opposition leader and the leader of another federal political party, helped to install in Canada more generally.

So perhaps this is a motion that could not only be put in this committee room, it could be put in the other committee room, and discussion could be had about whether or not Mr. Manning could do a dual presentation. We might want to have a special sitting of the Legislature. We could all be in the Chamber, and perhaps Mr. Manning would want to address the Chamber as a whole, so that each of us would have the opportunity at one time to hear the comments of that esteemed Canadian, one of the great Canadians, one of the persons who effected change in our country. That special sitting of the Legislature could

invite others, others who might want to come and make presentations as well regarding Bill 37.

I know that Mr. Manning has written about this particular issue in *The Globe and Mail*, no less a newspaper than *The Globe and Mail*, which has been discussed here today by presenters, former carriers of the newspaper. In fact, on May 20 of this year, Mr. Manning authored an article entitled: "The not democratic party of Manitoba." In it he outlined—for a national audience—the many problems with Bill 37. I believe this article was repeated in the *Winnipeg Free Press* on the weekend. So Canadians from coast to coast have read some of the concerns that Mr. Manning has with this particular bill. But I'm sure that, you know, the limitations of newspapers as they are, this looks like about a 500-word article, Mr. Chairperson, there are probably many other things that Mr. Manning would've liked to have expressed about the bill that simply couldn't be done because of the limitation of space in a newspaper article.

So to invite him to Manitoba to have a full democratic dialogue—and I'd want to say, Mr. Chairperson, I wouldn't want this to happen with the usual 10-minute limitation of presentations, and five minutes for questions. We'd have to ensure that with a special speaker we'd have special rules to ensure that we get the full benefit of the discourse from Mr. Manning, and that all of us would have a full benefit of the words that he would give us here.

I'm sure that members opposite, you know, they might want to amend the motion to add other speakers that they'd want to hear. I'd be open to a friendly amendment if there are other people. The Member for Radisson (Mr. Jha) might want to add another speaker onto that list. Let's hear that.

So I'm open to those sort of friendly amendments, and I look forward to hearing other speakers, Mr. Chairperson.

**Mr. Chairperson:** Mr. Schuler, on the same motion.

**Mr. Ron Schuler (Springfield):** On the same motion, I think it is very important for us to bring individuals in front of this committee, in front of this legislative Chamber, who could add a lot to the process. I had the opportunity to hear a lot of speakers. We had a whole slew of them today. I want to sort of indicate to the committee what it was that these individuals brought to the committee and what that actually did for us to help us in making our decisions on Bill 37. How much more would it be if we had an individual who has taken democracy as

his entire life's work? He is for the rest of the days of his life going to work on making democracy stronger, on making it better, and on making it more efficient.

We had Preston Manning write an article in one of the national newspapers. He starts off by saying: Tommy Douglas would be turning over in his grave, and I believe that to be true. I think the NP, the new party, or what we used to know as the New Democratic Party, has changed so substantially from the days of Tommy Douglas, which was a social movement which had an unbelievable, unbelievable heart and soul, and it has been abandoned. I mean, what we have now are callous technocrats, individuals who devise schemes in the darkness of the night to try to screw the opposition, and it just goes from there.

I would like to actually quote to the session the presenter Craig Johnson, and in it he says, on page 3: Previous amendments to the Elections Act 1999, have been perceived to be atrociously partisan by using legislation and regulation to create tactical advantages. He goes on to say that that's exactly what Bill 37 is going to do. I would suspect that that's probably where Preston Manning would be coming down. Mr. Johnson goes on to say—and this I would like the New Democratic Party members of the committee to listen—It is with great irony that I observe that it is an NDP government whose party produced great parliamentarians and Canadian Nationalists such as Tommy Douglas, Ed Schreyer and Stanley Knowles, is now carrying out constitutional policies and practices first desired and conceived by other parties. They are actually going to a position that other parties actually put forward. In fact, in some of the presentations, they said it is amazing how the New Democratic Party will spend hour after hour railing against the hateful Americans, and then adopt all their policies, their American-style policies on the treatment of opposition.

But, Mr. Johnson goes on to say: The role of the opposition is another critical part of our democracy. Too many times today, we see regimes which curtail the rights of the Opposition drastically with ham-fisted callous indifference. We witness this in Burma, we see this in Tibet, we are aware of Zimbabwe, a country that was once established under the Westminster model, but has deviated from it, so dramatically, that is it now a byword for despots everywhere.

What the writer is saying with that, is that you have to be incredibly sensitive—incredibly sensitive—to democracy as resilient—as resilient—as democracy is, and it is tough. It is also very fragile, on the other hand. With enough small innocuous changes, which are not so innocuous, very quickly you can change the entire way that a democracy functions. It's not done—it's not done because it was one fell swoop. What it is, is it's basically piecemeal. It's sort of the salami tactic of politics: it's one slice, one slice, one slice, and before you know it, everything is gone.

That is one of the dangers of what the New Democratic Party has done. I can remember back in 2000 it was the first step, and I have wondered for a long time why it is that this legislation didn't come earlier. But I actually predicted it long time ago, that this is exactly where the NDP would be going with their legislation. Unfortunately, on this point I was right. It did come.

The writer goes on to say, and I wish to quote for members: "John Diefenbaker, the great Canadian statesman, said, 'The duty of the Opposition is to cleanse and purify those in office.'" [*interjection*]

The Member for Brandon East (Mr. Caldwell) says, but he still feels dirty. Well, you know, maybe some shaving cream and a razor and some good shampoo and a bar of soap, and, you know, maybe that will go someplace, and have a little bit of detergent for his laundry. But, on the political level, it is very important for an opposition to have all the tools at its disposal to take on the government and make it accountable.

In the end, with British parliamentary system, when you have majority, the majority will win. The government will always in the end win the day. But what the opposition needs is enough tools at its disposal to slow things down to give the government pause.

\* (21:10)

I could remember that great statesman and great Canadian politician, Darren Praznik, once telling me that—[*interjection*] He said that basically, the government can do whatever it wants. The question is: At what price is the government prepared to get its legislation through? If the opposition can force the government to pay a very heavy price, the government, then, takes a second look at what it does or what kind of legislation it puts forward, how it wants to put it forward and so forth.

I would also like to point this committee to another great Canadian, very wise man, Professor Paul Thomas. Many years ago, well, not that many, but a few years ago, I sat as a student under Professor Paul Thomas. I have fond memories of him. He was as great a Canadian then as he is now. I quote from his presentation. Again, another individual that we listened to. He said: The NDP government seems determined to use its majority in the Legislature to have Bill 37 passed by the scheduled end of the current session, June 12, 2008.

He goes on to say: There is no reason to rush Bill 37 through the Legislature. It is not a response to an immediate crisis. It is a complex piece of legislation involving a number of component parts. As an omnibus bill, it asks individuals and organizations to express approval or disapproval for fundamental changes to our political system and to do so within the short period of a month or so.

He goes on to say—and Professor Paul Thomas is well respected. He is an eminent professor. I see the Member for Thompson (Mr. Ashton) stating he used to be one of his professors. Yes, was one of mine as well. That's no reflection on the age of Professor Thomas. It just means he's timeless.

He concludes by saying: My recommendation is that the bill should be carried over for study during the inter-sessional period either by the Legislature's Justice Committee or by an all-party task force chaired by a non-partisan individual. I was wondering if he was recommending himself there.

All of these people have contributed a lot. All of these have brought a lot to this committee. I believe this committee should go out, look out beyond our borders, invite Preston Manning. I believe he would bring an awful lot to this committee. It would be to the benefit of all of us to hear someone as imminent, as well thought of and as strident as Preston Manning. Thank you.

**Mr. Chairperson:** Mrs. Driedger, on the same motion.

**Mrs. Driedger:** I'm pleased to support this motion. I think Preston Manning would have a lot to offer. In his absence and because he has made some comments about this, and I do know that he has written a commentary in *The Globe and Mail* on Tuesday, May 20. I'm going to read his comments into the record so that it will give some perspective to what my two colleagues have discussed. His title is "The Not Democratic Party of Manitoba." I would

note that Preston Manning is the president and CEO of the Manning Centre for Building Democracy.

His commentary is: Tommy Douglas would be turning over in his grave if he saw legislation introduced earlier this month by Manitoba's NDP government.

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

Why would Tommy Douglas, one of the founders of the federal New Democratic Party and its first Leader, be disturbed? Because Douglas valued the democratic dimension of being a social democrat as much as he valued the socialist dimension.

A distinguishing characteristic of all of Canada's western-based third parties—the Progressives, Social Credit, the Canadian "Commonwealth Federation (which became the NDP), and the Reform Party—was their commitment to unrestricted, bottom-up, grassroots democracy and its essential prerequisites, namely, unimpeded freedom of conscience, speech and association.

Despite their other ideological differences—spanning the entire political spectrum from left to right—these parties all believed in democratic values, processes and institutions that created an informed citizenry with maximum opportunity to participate in the democratic process. All of the early western parties, including the . . . (CCF) believed in and practised grassroots political education, worked to extend the vote to women and advocated democracy-enhancing measures such as referendums, citizens' initiatives, and recall.

When the CCF transformed itself into the NDP it sacrificed much of its western agrarian heritage to gain the support of unionized workers in central Canada and British Columbia. When the NDP abandoned its social gospel roots (both J. S. Woodsworth, founder of the CCF, and Tommy Douglas were Christian ministers) it abandoned much of its spiritual heritage, ostensibly to gain greater support among secular voters. But when a provincial NDP party begins to abandon its democratic roots, what can it possibly gain in return, other than a few more uninspired years in office?

To witness Manitoba's 'New Democratic Party' proposing legislation restricting democratic discourse must be hard for the true democrats amongst its MLAs and supporters to bear. In fact, one wonders whether the NDP caucus actually saw, debated, and approved this legislation before it was introduced to the Manitoba Assembly.

While the feature of Bill 37 emphasized by the government in its press releases has been its provision for election dates, it is the undemocratic features not emphasized that are the cause for concern. These include: restricting advertising expenses by a registered political party in a non election year in Manitoba to a paltry \$75,000 or about 10 cents per voter; the continued allowance of virtually unrestricted government advertising during the pre-election period; and provisions enabling the government-controlled Legislative Assembly Management Commission to censor and control opposition communications, materials, and budgets. These proposals are in addition to existing provisions which permit the NDP government to allow virtually unrestricted, third-party advertising during the election period when such advertising is to its advantage and then to proclaim restrictions on such advertising when it is not.

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

That is the end of his commentary in *The Globe and Mail* from May 20, 2008. I would note that a number of the presenters that came before committee did make reference to a lot of these comments that Preston Manning made. There were several people, and I believe Mr. Sid Green was one in particular. Being a lawyer, I guess he would know too that he realized that there would be a challenge in the courts if this legislation was passed. I think that, when we talk to people that do understand the genesis of this legislation and the law in this country and in this province, we will see that there is probably substantive reason for them feeling that, in fact, there will be a court challenge, a Supreme Court challenge, on this issue.

I think that it just makes much more sense if this government was then to heed some of these warnings, especially coming from a lot of the

presenters and a lot of the people that did present that, indeed, this Bill 37 not be passed in its present form, if at all, because what it could lead to down the road is certainly a very, very expensive court challenge that the taxpayers of Manitoba are going to have to pay. It will be their burden to bear because this government has tried to ram through this type of legislation.

I think, like Mr. Manning said, he hopes that more level heads will prevail. He made some other comments, and we've heard other presenters also say it here was they really wonder how much communication occurred even within the NDP caucus and Cabinet about this legislation and really questioned why this caucus would support a lot of these very undemocratic actions because it goes against the name of their party, especially, too, when you look at the fact that supposedly the NDP has a more grass-roots base.

\* (21:20)

What an insult to your grass-roots that you aren't engaging them and involving them in some of the dialogue around this particular legislation before this legislation moves through the process because you're ramming it down their throats as well. I don't think it's something your grassroots will appreciate nor, as you've probably realized, a number of the presenters here—not all, for sure—but a number of them certainly are people that represent democracy, and they value—and I think that those words came up a lot, values and principles—a lot of the principles and values around freedom of speech, around democracy, about the challenge that censorship brings when you start to bring it into the political arena.

I think the committee would be well heeded to adhere to this motion that was brought forward and that we do look at having some consultation with people. Preston Manning would certainly be somebody, as he belongs to the Centre for Building Democracy. It would make a lot of sense to bring him here to speak to this.

But there are a lot of other people also within this province that probably have a lot of understanding about democracy, an understanding of the significance of democracy, that might be good to consult on this, too. Along with people that have beliefs about democracy would certainly be people that have also an understanding of judicial issues and legal issues as to whether or not this legislation would then end up having to go through a court challenge, which could end up, as some people have

indicated, to be a very, very costly procedure for Manitoba taxpayers.

I think the opportunity this government has is to open up the debate and consultation on this legislation, take away the reputation they're getting for being the not-democratic-party-of-Manitoba, and take this bill out on a consultation process and better consult. The Premier (Mr. Doer) might want to consult first with his own caucus. It's been interesting tonight to hear that the Member for Wellington (Ms. Marcelino) indicated that, in fact, many in her caucus did not support this legislation but came to a consensus, I guess, on it, which in my view would be a forced consensus and that, while they may have had discussion, it was well after the fact of the bill being introduced, that they were not brought into the loop during the development of the bill and, quite likely, didn't even know about the bill till it was tabled in the House and then they are being forced now to sit here and have to defend it. It could be why—

**Mr. Chairperson:** Mrs. Driedger, sorry to interrupt you, but your time has elapsed.

**Mr. Derkach:** Mr. Chairperson, I'm speaking in support of the motion that was presented by the Member for Steinbach (Mr. Goertzen). The motion calls for Mr. Preston Manning to appear before this committee, and I think everybody around this table knows the qualities of this gentleman and how he's contributed to the democracy of Canada.

Now, Mr. Manning has since moved on to establish a centre to instruct young Canadians in the area of democracy and the principles of democracy and how, perhaps, they can contribute and preserve those very important principles that we all fight for.

Now, over time, we have eroded some of our principles of democracy, and Bill 37 goes further to erode even some of those basic principles that we hold so dearly. I wonder what our forefathers would say today who fought for those very rights and freedoms that we have enjoyed to this point in time. Mr. Chairperson, what would Tommy Douglas say if he was, in fact, here and looking at what this party has presented before this Legislature?

Mr. Chairperson, it's not a matter of whether or not I'm a fan of Mr. Douglas, but one of the things I respect about him, one of the things that I respected about Tommy Douglas was the fact that he believed very passionately in the issues of democracy and that is the basic principles that his party was formed on.

He was a true New Democrat who believed in the little man, who believed in the little person, who believed in the principles of democracy so that those people who perhaps were not given the privileges in society would, indeed, have somebody who fought for them.

Well, that is certainly not the New Democratic Party of Manitoba because this party has abandoned those principles. It's abandoned—It's lost its way. You know, there was always a feeling in this Legislature that sometimes it was fuzzy in terms of where the Liberals stood, and I hate to say that, and some days that still is the case. But we always knew where the New Democrats stood and we always knew where the Conservatives stood—*[interjection]* And, yes, we were always on the right side. You were on the wrong side, but that's just the way it is in life.

But, Mr. Chairperson, it is the way it is in life and, nevertheless, the New Democrats at least had the respect of Manitobans because their views on issues were clear up until this last session where we have a very unprecedented move by a government to take away rights of MLAs, to start to put a vote tax on people, and for what? Why can't MLAs express their views, and why can't they write to their constituents without having to go through a censorship board? Why is it important for us to now go through a censorship board? I know where that happens in the world. It's not in the free world anymore. That happens in places where democratic rights are trampled upon, where people are not allowed to express their views freely. My forefathers came from a country like that and a country that was suppressed by those who wanted to control everything in a person's life. We saw how the world turned against those kinds of principles and that lack of moral ethic in terms of governing a country.

Mr. Chairperson, some people have expressed their view about this bill and they've called this party the undemocratic party of Manitoba, and that's probably more closely related to what the reality is today as it relates to this Bill 37. I think this government would do well to listen to an expert like Preston Manning. We don't always have to agree with everything that the individual presenting before us has to say. But, indeed, if we have an open mind, we will glean something from that that perhaps could add to the quality of the bill that is before the House.

Now is everything in this bill bad? Well, I haven't found anything good in it and I've looked through the bill fairly carefully. But every aspect of



the bill deals with suppressing the rights, suppressing the ability of people like myself in this Legislature from doing our job effectively, fairly and holding a government accountable. Now it's not always comfortable when you're sitting in government to have the opposition, perhaps, write to your constituents criticizing some of the policies and some of the actions that you as a government are taking. Mr. Chairperson, that goes with the territory.

We experienced that when we were in government. I remember full well being a Cabinet minister, members of the now government, then opposition, fiercely attacking some of the policies, some of the actions that we were taking, but that's fair ball, that's part of democracy. We fought back and eventually Manitobans said to us that it was time for us to go, time for us to join the opposition and give the New Democrats a chance to govern, because they had convinced Manitobans that they could do a better job. But that's part of democracy. Although I don't like it, it's the process of listening to the will of the people.

\* (21:30)

But we never suppressed the ability of MLAs in this Legislature to express their views to their constituents. The Member for Thompson (Mr. Ashton) is sitting here, and I know full well, from having sat on committees in this Legislature where the member sat as well, he was probably one of the MLAs in this Legislature who sent out more mail than any other MLA in the Legislature, the Member for Thompson. He knows that he was one of those who was right up there in terms of the number of pieces of mail he sent out on an annual basis that was higher than any other MLA in the Legislature. *[interjection]* No, but those records are there, as the member knows, and we didn't move to suppress his right to express his views to his constituents and other Manitobans.

But why is it important now for this member, as part of a government, to take a draconian measure in suppressing the rights of MLAs to express their views on policies that the government is putting forward, the actions government is taking? Why is it important for this government to move in this direction? Nobody on that side of the House has been able to explain the rationale behind this bill.

You know, when you talk to the backbenchers of the government, they weren't even aware of the issues that were incorporated in the bill. So I don't know who the government took its advice from but I

would think it was all internal, and that is why this motion is so important, because I think hearing from an outside person who has some expertise in the whole area of democracy might, in fact, enlighten members of the government to the point where they could perhaps amend this bill.

I know they've got a majority in the Legislature and so they're going to try to push this bill through. Our job is going to be to try to push back as hard as we can to make sure that either amendments are struck that are going to be acceptable or that we, in some way, stop this legislation. That's our job. That's our job and it's legitimate. We have to fight hard for that, and I think the government has to respect that.

I think they should allow for a person like Preston Manning to come forward to this committee, invite him to come forward to this committee, give him the bill and have him express his views as to whether or not this bill meets the test of democracy, because I think it does not.

I would think that I've got many Manitobans who would join me in saying, fight that bill because it does not parallel any of the principles that all of us believe in on this side of the House, which are the principles of democracy and freedom of speech and expression.

With those comments, Mr. Chairperson, I'll conclude my remarks. Thank you.

**Mr. Ashton:** As a new member to this committee, having sat last week for 18 hours on the committee on the other side, I want to indicate that I actually volunteered to be here tonight because I did want to experience what was happening in this committee. I did, by the way, come over to see what was happening last week.

I felt it's probably the closest I would ever be to a Conservative convention when I looked around the room, and I'm not talking about the Conservative members of the committee, Mr. Chairperson. What struck me about it, by the way, notwithstanding the partisan affiliations or lack thereof of members who came before the committee, they were all people that had done what we always do in our committees. They had said that they wanted to present. Some of them wanted to present more than once. No one asked what their qualifications were. Some were from Manitoba; some were from out-of-province, but, you know, they were all treated all equally. We had out-of-province presenters on a number of bills. We had out-of-town presenters.

I looked earlier today and I noticed Mr. Ken Waddell who is well known. We all know him in the different roles he's played. But he came into our committee and he presented, I think, two or three times on bills. He presented his opinions. No one asked him if he was an expert or how much study he'd done on the bill or if he represented an institution. We accepted him as a citizen and he was allowed to speak, which is the way we do it in these committee chambers.

But then I realized, this is point No. 1, that is the Tories showed their first true agenda here, the elitist view they have. They want to invite expert witnesses. Now, in the time that we have been here, we have never said, are you an expert, or are you not an expert. We accept people based on what they have to say, and that is exactly what happened; that is exactly what happened.

The second thing I realize, if you thought I had a shock walking into this committee chamber and feeling I was at a Conservative convention, today, I must admit, I felt like I'm at a Reform revival meeting. Who is the first person they want to invite as an expert witness? Right? You know, it could have been a thousand and one academic heads of institutions, but it was Preston Manning. It was Preston Manning. I heard members, time and time again, talk about Preston Manning and this great admiration of him. By the way, I respect Preston Manning. I did meet with him as Minister of Transportation, but you know it struck me that—I give the Member for Springfield (Mr. Schuler) some credit because the highlight of this is when he was reading, one of the presenters, and it was references to Tommy Douglas, Ed Schreyer and Stanley Knowles. He was actually criticizing fixed election dates as being conceived by the Reform Party and then Mr. Schuler, when he got to the Reform Party, kind of transferred that into other party. I think he got it and perhaps other members didn't. Here we have, where we have completed a consideration of members of the public who came before these committees, all of them experts to my mind. Nobody needed a special invitation, some of whom sat here for hours on end and we listened to them.

But what the members here want to do, they want to bring in their guru, their icon, Preston Manning, of the Reform Party. I have a lot of respect for him, but you know what? I would suggest to members opposite, the one thing we've always done in this Legislature is we have always listened to members of the public. You know what? They come

before this committee. They're all experts and that is why we are opposed to any kind of change. This is not only a change in the way we do things in this committee. It's a fundamental change in our committee structure. The Tories may have an elitist view that there are somehow, some people who are experts and some people aren't. In my view every person that presents in this committee, every person that presented in that committee, no matter how many times, no matter how little notice they had before they came into that committee, to my mind they are all experts.

I'm offended that the member would bring in a motion that starts to discriminate between people that he thinks are experts and others who think they aren't experts. Every presenter that came before this committee had the qualification to my mind of taking the initiative. That's the first step, but they're all experts. I'm surprised that members would even put on the record such an elitist view.

This is not an elite committee. This is a committee that listens to everyone fairly and equally. We listened to every presenter that came before us, and we completed that list. That's why, let's move on to the clause by clause. I said it to the members opposite; they may still have a closet desire to have a Reform revival meeting. We know their true political affiliations. They may see Preston Manning as their guru. You know what? I have respect for Preston Manning, but if he'd wanted to present to this committee and then signed up, he didn't need to be called an expert. He could have presented, Mr. Chairperson. Many people, including people from out of province, did, and I think we have one set of rules for every presenter. That's why this motion is not only worthy of being defeated, it's offensive and should not be the rules of this chamber.

**Mr. Chairperson:** The next speaker I have on my list is Mr. McFadyen. Seeing that Mr. McFadyen is not here at the moment; next speaker I have on my list is Mr. Graydon.

**Mr. Graydon:** Thank you, Mr. Chairperson. I certainly agree—

#### **Point of Order**

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

**Mr. Derkach:** Mr. Chair, it's only respectful to perhaps give the leader of our party a little bit of latitude. He was in the hallway, perhaps taking a phone call, and he was just outside the door. I'm sure that we could have waited 30 seconds to allow the

leader of our party to come in and to be recognized in order. He put his name on the list. He didn't ask for any preferential treatment—

\* (21:40)

**An Honourable Member:** Didn't pull out like Bidhu.

**Mr. Derkach:** Yes. And I think that it would be only appropriate to allow him to speak at this time.

**Mr. Chairperson:** While I appreciate the point of order that Mr. Derkach has raised, the Chair had no way of knowing whether or not the individual whose name had been called was going to be available, had no way of ascertaining that. So, if there's leave of the committee, we could ask Mr. Graydon to perhaps conclude his remarks, and if there's leave of the committee, because the Chair does keep a running list of individuals in order as they have indicated a preference to speak here, the Chair would be open to the idea of having Mr. McFadyen's name after Mr. Graydon's, if that's the will of the committee.

**Mr. Ashton:** So long as it's not based on rank. I think it would be a courtesy, and I'm sure the Leader of the Opposition wishes to speak, but we want to hear Mr. Graydon, as well. We can easily add Mr. McFadyen back to the list. I think we are more than willing to do that. We recognize that people at times have duties to take them outside of the room. That applies to all members of the committee. So we're more than in agreement making sure Mr. McFadyen does have the opportunity to speak as soon as possible.

\* \* \*

**Mr. Goertzen:** I move,

THAT the motion be amended by adding the words "and Ed Schreyer" after Preston Manning.

**Mr. Chairperson:** A subamendment has been moved by Mr. Goertzen to the main motion, and the subamendment reads as follows:

I move,

THAT the motion be amended by adding the words "and Ed Schreyer" after Preston Manning.

The amendment is in order.

**Mr. Hugh McFadyen (Fort Whyte):** This is yet another common-sense amendment introduced by the Member for Steinbach (Mr. Goertzen), and I think what it shows is not just a member of this Legislature who sits at committee pretending to listen, but one

who actively listens to the comments being made and responds to those comments. It's not good enough to simply listen to presentations, but to listen and then act, and that's what the Member for Steinbach has done with this particular amendment, Mr. Chairperson.

I want to give the Member for Steinbach credit because in the long, lengthy speech, I know it was only 10 minutes, but it felt longer than that for the Member for Thompson (Mr. Ashton). He made comments, disparaging comments, about Mr. Manning, and I think in some ways what I heard with some of the comments, reading between the lines, was a bit of a swipe at those people in our society who may be people of faith. I take issue with that.

I think, in a province like Manitoba, we have people from different backgrounds of beliefs and different faiths who come here seeking freedom above all and that one of the great things about our province of Manitoba is our ability to accommodate people from different beliefs and faiths.

I find it more than ironic that the Member for Thompson would make the comments that he has about Mr. Manning, given the history and the roots of his own party, the CCF, which was founded by none other than Tommy Douglas, who was a man of faith, J.S. Woodsworth, Charles Gordon, who wrote under the pen name Ralph Connor, who was a Presbyterian minister. In fact, the first moderator of the United Church of Canada was one of the founders of the CCF, an active member of the New Democratic Party here in Manitoba. I know that from a little bit of personal experience in that my wife happens to be the great-granddaughter of Charles Gordon. I know that in her family that history of faith is very important, that active involvement in the CCF and NDP were important things.

So, for him to turn his back on his own party in that way and the ideas that animated the early CCF, the democratic ideas that came up from the old ideas of a Scottish Kirk, which was a church that was founded on a rejection of a hierarchical model and was founded on the idea of the equality of all members of the congregation. One of the big, great innovations of the Scottish Kirk was that the leadership took it upon themselves to ensure that people in the congregation were able to read and write on their own because they knew that literacy was the first step toward full freedom and the ability to engage directly in what was going on in society.

Those early leaders of the church went on and had a profound influence on centre-left thinking throughout the western world, so it disappoints me to hear the Member for Thompson saying what he's saying with his comments. His implied attack on those who may be members of the Christian faith because I think that those who—

#### Point of Order

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

**Mr. Ashton:** Mr. Chairperson, you know, there's been a fair amount of healthy debate back and forth, but if the Leader of the Opposition will care to check my comments, I talked about the Reform Party, of which Preston Manning was leader. I made no reference to faith, certainly, the Christian faith. *[interjection]* Well, revival in the political sense.

The member knows that, and you know what? We've had a fairly significant debate and fairly good-natured debate back and forth, but I want to make it sure on the record that my reference to Mr. Manning, who I said I have a great deal of respect for, was in terms of the Reform Party, had no reference to religion. I would hope that the member—I realize he's getting into other areas, but I think it's important that we put on the record there was not one single reference in my comments to Mr. Manning's faith. To my mind, that is one thing I never do, sir, is comment on people's private religious beliefs. I respect you for whatever beliefs you have.

I find it very offensive what was said, but I just wanted to say, regardless of what offence I take, I want to make it very clear that my reference to Preston Manning was his former role as leader of the Reform Party. That's what I said in terms of it was like a Reform Party revival meeting, and it was not in a religious sense but in a political sense. If the member took it as being in a religious sense, I want to make it very clear on the record that was not my intention, and I would find it insulting if anybody else had made a reference to somebody's faith. That was not what I said and I thought it was important to correct the record.

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

**Mr. McFadyen:** Same point of order. The words "revival" and "revival meeting" mean only one thing in North America. The revival—*[interjection]* Well, revival movements have all made reference to evangelical movements which have swept through North America at different points in history, so,

when he talks about revival meetings and makes disparaging, semi-mocking comments about, I feel like I'm at a revival meeting, which is what he said on a couple of occasions in response to comments, any reasonable person would interpret that as a reference to Mr. Manning's background and his family's background.

The member will know that Mr. Manning is well known as the son of Ernest Manning who was a preacher. Mr. Manning himself is known to have deep Christian faith, and he could not have meant anything other than a reference to his faith when he made comments about revival meetings.

If he's now saying that that is not what he intended by the comments, then I will accept that explanation and I'll move on. So we'll accept that explanation. No apology, but an explanation that satisfies us that is not what he meant, and I'm pleased that he cleared it up because I think any member of the committee might have interpreted it the way I did. Those are my comments on the point of order, Mr. Chairperson. Thank you.

**Mr. Chairperson:** I thank honourable members of the committee for their advice on the point of order raised by Mr. Ashton. The Chair would indicate to Mr. Ashton he thanks him for the clarification with respect to the comments that were made earlier, and I think the Chair will indicate to the members of the committee that there is no point of order, there is a dispute over the facts.

\* \* \*

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

**Mr. McFadyen:** Thank you, Mr. Chair. I want to thank the Member for Thompson for being clear with his comments, and I want to just say, though, there is a great part of the CCF heritage and tradition that arises from beliefs that came out of non-conforming faiths and faiths that believed a great deal in the value and dignity of every single human being. From that came a lot of the democratic inspiration for the early CCF.

\* (21:50)

There was a belief that people could have—individuals, not through priests and not through the hierarchy of the church—could have a direct relationship with God. That's the founding principle of the CCF, and it's a very democratic idea. The early temperance movement, as the members opposite will know, was motivated in many ways by those beliefs.

I just think it is unfortunate that members opposite today would be, in a gentle way, denigrating the idea of having somebody, like Mr. Manning, come and speak to this committee. He has much to offer. He has an institute—the Manning centre of democracy. Not everybody needs to agree with his views on politics; that's the whole idea behind the organization.

He is the first one to say that he has no monopoly on political ideas, that fundamentally what this is about is the freedom of all individuals from all perspectives, whether they are on the right or the left of the political spectrum, to have a voice in the system, to have a vote in the system, to have the ability and the right to run for office, to have a seat at the table, when the major decisions are being made.

That is what he has dedicated his career to in recent years, since he left the trenches of partisan politics. He's been elevated onto the national stage as something of a statesman. Not everybody will agree with every political position he's taken; I don't agree with every political position he's taken on issues, but I do respect the fact that he is a profoundly principled individual, committed to democratic ideas.

We need more like him; we need more like him from the left as well, Mr. Chairperson, which brings me to the amendment that's been brought by the Member for Steinbach (Mr. Goertzen), that Ed Schreyer—who can think of a better example of an individual with great democratic instincts, who has expressed profound concern about the direction of this government and its energy policies in particular? He's been vocal and outspoken on the catastrophic waste mismanagement and lost opportunity associated with the decision to run the next Bipole transmission corridor down the west side of the province.

I respect him for standing up to his own party on that issue, because he's transcending party politics to put the best interests of Manitobans at the forefront. We respect him for doing that. We certainly wouldn't expect that he would vote for us in the next election or ever, for that matter, but we do respect the fact that he's spoken up on a matter of importance to all Manitobans.

Bringing Mr. Schreyer before this committee would provide a counterpoint to any perspective that Mr. Manning might bring. I think where we might find the exercise interesting is to look for the areas of common ground between these two gentlemen.

Mr. Schreyer made his way into provincial politics, as Mr. Uskiw testified at committee, by coming into provincial politics on short notice with no money, no government grants, no corporate grants and no deep pockets that he could tap into. He stepped into provincial politics and went through a meteoric rise to the top of political life in Manitoba, not fuelled by government grants, not having to use oppressive legislation to stop his opponents from criticizing him. He did it because he was passionate about the province; he had ideas for the future. Not all of them were good ideas, as we now know from experience, but they were ideas nonetheless that attracted the attention and admiration of many, many Manitobans.

I grew up in a family where politics was always viewed as being important. I can tell you I have a strong hunch—it's a secret ballot; I'll never be able to prove it—but I have a strong hunch that my own mother may have voted for Mr. Schreyer in 1969. That is something that I don't know, but I know she's always expressed admiration for him. I suspect that appeal transcends party politics in our province for that generation of Manitobans.

So, to bring Mr. Schreyer before committee—somebody who, incidentally, has just returned from New Orleans as part of a Habitat for Humanity home build in New Orleans to assist those people who were victims of Hurricane Katrina and the aftermath of that terrible natural disaster. Mr. Schreyer went as part of a delegation for Habitat for Humanity.

Who is it that's behind Habitat for Humanity? Oh, what's his name? *[interjection]* Oh, Jimmy Carter. Right, yes. I know, Jimmy Carter. I'll bet you dollars to peanuts that Jimmy Carter has been to a revival meeting or two in his life. In fact, I'm prepared to wager just about everything I own that Mr. Carter has been an active participant in revival meetings in the southern United States and has gone on with faith as his motivation to found Habitat for Humanity and to build literally tens of thousands of homes for people around the world in need of affordable housing.

So, Mr. Schreyer, I think, could come to this committee and provide his perspective on the aftermath of Hurricane Katrina, the great work being done by Habitat for Humanity and organizations like it to assist those people who have suffered greatly as a result of that natural disaster. Mr. Schreyer, I think, would then use the opportunity to talk about the need for a healthy democracy to allow groups like Habitat

for Humanity and others to thrive, not feel like they are being mocked by members of the Legislature, or government or looked down upon but encouraged; even if they are not agreed with, encouraged to do the great work that they do.

We have a unique opportunity to bring Mr. Schreyer and Mr. Manning before this committee to share their perspectives. We, I think, would all be better off after having listened to their perspectives, and I would wager surprised to see the degree of common agreement and common ground between the views that would be expressed by the two of them on a whole range of issues.

In fact, speaking of common ground, one of the things that have been incredibly enlightening through this process has been to see the perspective brought by party leaders from a variety of parties. I think of Mr. Rankin from the Communist Party of Manitoba who came forward and spoke out against the government grants for political parties. I know I've been criticized in the past for suggesting, and I know members opposite took it as a grave insult and he made reference to me and I made a point of coming to committee when he was addressing this committee, so we'd have a chance to exchange ideas about the materialistic dialectic and some other ideas that he's been promoting.

**Mr. Chairperson:** Order, please. Mr. McFadyen, sir, your time has expired. *[interjection]* No, your time has expired, sir.

**Mr. Graydon:** I agreed with the first motion. Tommy Douglas was a strong supporter of democracy and it has been said that he would have turned over in his grave if he were to see such legislation put forward by the NDP party. I'll put the microphone closer.

I'm sure that he would have turned over in his grave or he would have revoked his membership or at the very least, spoke against this legislation and supported the motion as well. But let me say that this party that was born from the seed to the embryo and finally to the birth of the NDP party that Tommy Douglas planted is beyond recognition today. Throughout history truly great people have emerged but never through bullying, never by taking the easy route, not by helping themselves from position of power to the proceeds of the hard-working men and women of this province. They accomplished these great things by earning the respect of the electorate, of the men and women who daily toiled to earn enough to feed and educate their families.

One such individual was Preston Manning, who felt strongly about democracy and did exactly as Tommy Douglas had done. He did it although his views were different than Tommy Douglas. He still exercised his democratic right and formed a political party, and to his credit the political party went on to become quite prominent throughout the history of Canada, with many people democratically elected to it. I must say that he has the respect of many, many Canadians in this country. At the same time and I must commend my honourable colleague from Steinbach when he added this amendment to the motion, Mr. Chair.

\* (22:00)

Mr. Schreyer fits into the same category as Tommy Douglas, the same category as Preston Manning. He certainly has earned and deserves the respect of all Manitobans. Mr. Schreyer was elected at the age of 22 to this very Legislature, to these hallowed walls that we are sitting in today, and he served his electorate well, I'm sure. I wasn't in the province at that time, but from all indications, he was well respected within the province of Manitoba, and it was certainly apparent when he decided to run for the federal government and become an MP. He did that and he certainly, certainly, again, represented this province to the best of his abilities and while earning the respect of all Manitobans and the people, also, not just in Manitoba but throughout Canada. He earned their respect because he believed in basic rights, the basic democratic rights of all Canadians, not just the ruling party but of all Canadians. He actually held those rights up for everyone to see. He wore his beliefs on his arm. He didn't hide behind power. He didn't bully anyone, and I can actually verify this.

*Madam Vice-Chairperson in the Chair*

In 1969, when we had a fledgling and floundering NDP party in Manitoba, it had a couple of great people step forward. These people went out and they came, with no money, with ideas and ideals. They went to the people and said to the people, this is what we believe. They actually walked the talk of what they believed. They contacted Mr. Schreyer and they convinced him to come back to this province to lead the NDP. They had no money. They had no money, and what they did was, as has been presented at this committee before for those opposite that weren't here to hear the presentation of a former MLA, Sam Uskiw, who said that he was charged with the responsibility of raising money to finance

the party—he personally signed for a \$250,000 loan, and think about that: \$250,000 in 1969, that was a lot of money at that time. I have to suggest to the people at this table, on both sides of the table, that it took a lot of courage for anyone, but he had the courage of his convictions to go out and raise that money to finance his ideals, to finance his ideas and to convince the public in Manitoba that he was the right person to represent them in his riding and that Mr. Schreyer was the right person to lead this province.

And so he made a journey or in some way contacted Mr. Schreyer in Ottawa, who was, I must say, in a very, very, lucrative position. He had the opportunity to stay on as an MP. because he was so well respected that the chances of him being defeated in the next election were slim. He would have continued to be an MP. as long as he wanted. It was a safe position. But because he also believed in democracy, because he believed so strongly in democracy and he believed in the people that were working for this party, the grassroots people that had ideas, that wanted to represent the grassroots people like the people from Flin Flon, the people from The Pas, the people from Woodmore, Manitoba, he wanted to represent everybody equally, and he didn't want to take away the democratic right of all Manitobans to make decisions. The legislation that's before us today is doing exactly that.

At any rate, Mr. Uskiw was able to convince Mr. Schreyer to come back to this province, to come back to the province and lead it to victory, lead this province to victory, and I'm sure after the election, Madam Vice-Chair, that there was definitely a lot of debt that had to be paid off. But it was because of their democracy, their ideas and their ideals, that they were able to form government.

That government today doesn't exist. That government today does not exist, but in order to support this motion, or this amendment to the motion, I would suggest having these expert speakers come to this table and explain why they were able to do what they did and how they earned the respect. I call these people heroes because that's what they are. They were able to have an idea and take that idea, like I said before, they took it from the seed to the embryo and finally, finally, to the fruit of their labours, they were able to represent this fine province of ours and then turn this over to a number of people who have turned the province inside out. They put together legislation; they put it on our table, and they put a bunch of legislation on the table all at

one time, with no opportunity for the public to have input into this.

The average Manitobans that we see in this province know nothing about this legislation that's on the table. The people in Brandon East, hardworking people, many, many hard-working people there, have no idea that the Member for Brandon East (Mr. Caldwell) and his party want to put their hands in their pockets and take money from them. Not go to them. Not go to face them, not go to say to them we have ideas; we have ideas and we would like you to support our ideas so that we can run a campaign, an effective campaign, and, as we've been told tonight, in order to do that you need to have proper funding. You need to have proper funding for the advertising that is necessary.

I would suggest that the Member for Radisson (Mr. Jha) tonight was muzzled by his own party, sat here, wanted to speak, wasn't allowed to speak. When he goes to mount his campaign in four years he will go off a launching pad with no money in his hand. If this legislation doesn't pass he will have to go to his constituents and say, I'm sorry, I represented every one of you fairly, I said nothing at committee, I said nothing, I had no opinion, I was not allowed to speak by my own party. That is a terrible, terrible deviation from the very ideals that the NDP party was formed by.

I would say, again, Madam Vice-Chair, that I support this amendment to this motion and to the motion in itself, in its entirety. It is behooven—is that the right word? Behooves us—

**Madam Vice-Chairperson:** Mr. Graydon, your time has expired.

**Mrs. Driedger:** Madam Vice-Chair, I appreciate this opportunity to speak to the amendment in that I do believe having experts come and speak to this committee, as I said earlier when we were talking about having Preston Manning come and speak to the committee, I said at that time that I do think it would be very, very beneficial for this committee and more so for this government, who have the majority here, to listen to the experts.

I think Ed Schreyer would be somebody that I'm sure would have some very, very interesting things to say. He's got such a long career in politics. He gave up a lot of his personal life to be in politics, from being an MLA, being the leader of the NDP here in Manitoba, going on to become a member of Parliament, Governor-General of Canada, and then

his stint, I think it was in Australia, when he took his family down there. So here's a man who's got a very, very long career in politics, and I think he would have a lot to contribute, and I think that's where we saw this government really drop the ball, and that was in not taking this out for more consultation with the general public. Not just people like Preston Manning and Ed Schreyer, but, as people have mentioned in the past, that when you pass legislation that addresses the political process and the democratic process in the province, that it would be a far better process if in fact all-party committees were to be brought together and then you have a group think, and you come up with what you think are reasonable and quality pieces of legislation that would benefit everybody.

\*(22:10)

The way this was done, the process in which it was done, but also what is in the legislation, I don't think is capturing, certainly, what is in the best interests of this province, and that is where somebody like Mr. Schreyer, I think, could advise this government. He was obviously a man that loved politics. He was a man that got to where he was the hard way, the same way all of us have gotten in here, but it was the right way, and that is to earn our way into this type of a job. It should never be a free ride. I'm not surprised to see this NDP government look for a free ride. They're doing it right now with balanced budget, eliminating balanced budgets and looking for another way to find a free ride in this province. When you look back at their track record over the last number of years that is really what they are doing.

Well, the Deputy Premier says a good record, but very, very biased and partisan in her comments.

**Madam Vice-Chairperson:** Mrs. Driedger, I'm sorry to interrupt you, but we're on the motion, the amendment, speaking to the amendment for the motion, so we're going to stay on that topic, right? Thank you.

**Mrs. Driedger:** Perhaps the Chair then would like to just remind the deputy leader that her comments also should apply to the same thing.

Certainly, in getting back to Mr. Schreyer, and it would be interesting because I know people had a conversation with him the other night about balanced budget legislation alongside a conversation about the hydro line going on the west side of the province. And again, here was a man that has very strong

convictions and he hasn't been afraid to come forward and comment on them, and we certainly saw that with the hydro line. He put a lot of thought into his position and he based it not on partisan politics, and that's why I think him coming forward to speak to this committee on this would be a very healthy aspect to the debate, and that's what we need. I don't know where his positions would be, but I think he would add a very interesting aspect to it, as would Mr. Manning, as would Sid Green, who we heard from the other day.

To bring people like that around and give them a chance to present, even as a panel, I think would be absolutely fascinating because here are people that have had lives that most of us probably can't even imagine or we will never get to that same level, and I think they would have a lot to offer.

I would indicate that Mr. Schreyer's nephew, Brian, and Brian's wife, Nancy, are very good friends of mine and have been for 30-some years. In fact, recently my husband and I visited with them and spent some time with them this past winter. So I do know some members of the Schreyer family, and I met Lily Schreyer the other night at the reception for the Prince, and it was very nice to have a chance to chat with her as well.

I never had a chance to speak with Mr. Schreyer at the event, but I do know that he was in conversation with others about this legislation and about the hydro line. I wished I would have had time to make it to that side of the room before we had to come back to committee because I would have enjoyed a conversation with him. You know, no matter what his perspective is going to be, I know that, with his experience, all the experience he has under his belt, and he's got the experience at many different levels, I think it would be a wise thing that this committee could do would be to talk to somebody like Mr. Schreyer and see what his comments would be.

I can recall being in a management certificate program and we were doing some components on leadership and management and, in fact, one of the assignments we had was to look at a particular scenario and then come up with what we felt were recommendations about that. So we did that with one person and then we did it with two people and then we did it with six people. And what it actually showed, and it surprised everybody, it showed that the quality of the assessment and recommendations about how to handle that scenario were far, far,



superior when more people came together to look at something and to come up with their assessment of the situation and their recommendations. And, I think, that would be the same with this legislation. That's why, if we took four people, six people and had Mr. Schreyer be one of them, I think we would have a phenomenal debate about how to look at the democratic process in Manitoba and what all the aspects are of how we can improve the democratic process in Manitoba.

I think there are certainly a lot of views out there that the process right now is not democratic in how the NDP are trying to ram this through. The fact that they have left their own caucus and Cabinet out of any of the development of this legislation and then brought them in, after the fact, just totally goes against what this legislation is all about.

I think Mr. Schreyer also would have a huge objection to censorship. I cannot see a man of his quality, with his experiences, being supportive of censoring the freedom of speech of MLAs. I think that would go against his grain is my suspicion because I think, like Preston Manning, there are a lot of views out there which we have to value and cherish—the democracy that we are afforded in this province.

I've also appreciated hearing Mr. Schreyer speak out on the need for government to do more around the area of mental health. I think he's raised some very, very good challenges that government does need to pay more attention to, because mental health is the poor cousin in health care. There is so much more that the government could and should be doing to address the gaps in care for those with mental health.

We just saw it the other day, where there was a report that came out from the Manitoba Centre for Health Policy and they indicated that, I believe, it was one in five people who came to Emergency were people that had mental health problems. Had we had better community supports for them, they may not end up in the Emergency, especially as frequently as they are, but because there has been such a gap in mental health services in the province—

**Madam Vice-Chairperson:** Order. Mrs. Driedger, your time has expired.

Just for the information of this committee, I'm just going to read the names that I have on the list and the order that they're in, because I'm having people ask me that question.

Next up is Mr. Briese. We have Mr. Lamoureux, Mr. Goertzen, Mr. Derkach, and Mr. Pedersen. So next up is Mr.—[interjection]—do you have a point of order, Mr. Derkach?

**Mr. Derkach:** I don't know that I'd call it a point of order, Madam Vice-Chair, but I'm wondering whether or not there's a will of this committee to—

**Madam Vice-Chairperson:** I can't hear you unless—I'm sorry to interrupt, but you just have to bring you mike a little closer, thank you.

**Mr. Derkach:** Madam Vice-Chair, in having discussed with the Member for Thompson (Mr. Ashton), I'm wondering whether there's a will of this committee to rise at 11 p.m. this evening. I'm wondering whether you could canvass the committee to see whether there's a will for this committee to rise at 11 p.m.

**Madam Vice-Chairperson:** There has been a request from one of the committee members. Does anybody want to speak to this?

**Mr. Ashton:** I believe there's been some discussion among the House leaders and, certainly, we would be in agreement with adjourning at 11 o'clock.

**Madam Vice-Chairperson:** Is it the will of the committee to adjourn at 11 o'clock? [Agreed]

So, to return to our list, Mr. Briese, you're up next.

**Mr. Stuart Briese (Ste. Rose):** Thank you, Madam Vice-Chair. I'm pleased to have an opportunity to speak to the motion that was put forward. I'll probably, because you have a fairly lengthy list there, keep my remarks fairly short, being as how we're rising at 11—[interjection]—just keep going? Well, I'll run it for awhile here.

It's been truly an interesting evening. I've never had the opportunity before to sit in on this side of the committee hearings. I've always stood at the podium and made presentations at the committee hearings. It's been a truly interesting experience, being able to actually sit on one of these committees. I really am going to value the experience from it.

\* (22:20)

We started off the evening with hearing four exceptional presenters that truly wanted to make their views known on the bill. Some of them weren't totally in our camp on what they felt about the bill, and some were not totally in the NDP's camp, but it was certainly enlightening to hear them. We heard

David Keam give some views that I thought were quite telling. One of the statements I heard him say was that they can spend far more on advertising to sell a mattress than politicians can spend to sell on a very important issue, and he mentioned a couple, such as Crocus, and a couple of others, the hydro line. He said you can't win an election without spending money. If you could, then just start every one at zero. He also mentioned that advertising should increase every year but be a smaller percentage of the budget.

I do want to touch on that, because we saw such good presenters here this evening, although a limited number. They were excellent presenters, and I do want to touch on that a little bit because it ties into the motion that we're talking about here, or the amendment to the motion. It ties in, that when we're talking about what would, to me, be very dramatic changes to the legislation of this province, we should be calling on all the expertise we can possibly call on before we do it. We should be definitely talking to the people. We should not heavy-handedly go out and present legislation on short notice and try and punch it through. When we talk about people like Preston Manning and Ed Schreyer and any number of others, certainly the expertise is out there and should be considered when we're making changes to legislation that will dramatically change the direction this province goes in over the next decade.

I think this legislation that we have been discussing, Bill 37, has been a little bit rushed. I think there's room for more public consultation, and I would urge the government of the province, the NDP, to carry this legislation—not to push it through too soon. Take it out to public hearings across the province, listen to what the people have to say about it, regardless of political stripe listen to what the people have to say, and incorporate some changes in this legislation. It badly needs some.

One other comment I think I would like to make when we talk about Ed Schreyer—and I honestly haven't heard him make any comments on it, but I know Ed Schreyer was the chair of the Lake Winnipeg Stewardship Board, very involved there. It was a very diverse board. In fact, I'm not sure, but Paul Thomas may have been on it, too. I haven't heard any comments from Ed Schreyer about Bill 17, but I think it would be interesting to hear his views on Bill 17 after chairing the Lake Winnipeg Stewardship Board and hearing all the things that were presented to Ed.

I've been sitting here and I've been looking through the presentation that Paul Thomas put forward, and I would hope somebody actually reads it into the record. I'm not going to, but he takes quite a run at all of us in this building, doesn't agree with the tactics that any of our parties are using in here and suggests some things that I think are very good suggestions. He's referring to provinces such as British Columbia and New Brunswick, Ontario, Québec—he said they have held public hearings and conducted research to better understand the reasons for democratic discontent. Those inquiries have explored a wide range of options to enhance electoral legislative democracy. Their hearing reports and the governments' responses to them have served to educate the public and mobilize support for the eventual changes which were introduced. And that, Madam Vice-Chair, is exactly what I was referring to a few moments ago when I said, don't rush this legislation. Get more input and make sure it's right when it actually does go through this House.

It is preferable in the 21st century democracy that public be consulted when changes are being made to the rules of electoral legislative democracy, and this is exactly what we're proposing with Bill 37. As much as possible, such changes should be made on the basis of all-party agreement, and obviously we don't have all-party agreement. Rather than the governing party using its majority in the Legislature to impose reforms which could be perceived to serve their short-term political interests—and that's something that the members opposite really do need to consider because at some point in time, they're going to be in opposition, and they have to consider the fact that these rules that they're proposing to put in place now, they'll have to live under them when they hit opposition and they're really being done to muzzle the opposition. When you muzzle opposition, as Glen Cummings said the other night, then you muzzle government, and a strong opposition is fundamental to having good government in this province.

Paul Thomas went on to say it would be more consistent with the declared aim of enhancing democracy for the NDP government to establish a consultative mechanism and allow more time for public input. So he certainly was taking a run at the way things are done. He also took a run at the way we in the Progressive Conservative party have been carrying forward this democratic process we're in. It's the job of government, he said, to provide leadership on policy issues; however, they should not

assume that they have a monopoly on knowledge and ideas when it comes to good public policy, and especially when it involves the rules of democratic process.

I think we need to really take a look at that and listen to those words. Those are key words in what's happening here in the province with Bill 37. It dynamically changes the democratic process in this province, and we need to be fully aware of what those changes will mean to us, what they encompass. It doesn't matter our political stripe. We need to know what those changes are going to do to us, and I think every person in this Legislative Assembly should really take a good hard look at what Paul Thomas is putting forward. You may not agree, but it's certainly worthwhile taking a look at it and paying attention to what he has said.

He also went on to say there's no rush to approve Bill 37. At very least, the government should agree to hold the bill over to intersession period to allow the Justice committee to conduct hearings in select locations—

**Madam Vice-Chairperson:** Order, Mr. Briese, your time has expired.

**Mr. Briese:** Thank you very much, Madam Vice-Chair. I was running out anyhow.

**Mr. Lamoureux:** I wanted to take the opportunity because I think that there is a lot of validity to the need for changing the way in which we operate as a committee, and the resolution that's being suggested I thought is kind of an interesting initiative. Our committee traditionally has, through media and other forums, allowed people to be aware as much as we have in the past, and then a member of the public that's interested would then register with the Clerk's office. My understanding of the motion is that what we're hoping to be able to do is to try to identify some individuals that might have an expressed interest in their contribution, might be able to make the bill even that much better. As opposed to taking a position on the motion itself, I do think that the idea merits attention in future discussions in regard to changing and the way in which we might want to reform the committee.

\* (22:30)

The other day I was in the committee and we had a discussion about presentations where, you know, quite often we'll get people that are unable to attend and, as a result, they'll submit their presentation. And then someone had suggested—I

think it might have been me, or, quite possibly that—no, actually it was a member of the Conservative party that suggested that maybe they should be read in, and that was the Member for Steinbach (Mr. Goertzen), and I thought there was a lot of merit to that, primarily because there is a great deal of benefit for those people that might be present in terms of hearing the content of many of the presentations that are just submitted and then they're recorded, Madam Vice-Chairperson. I think there should be some sort of an obligation. I think it would provide more legitimacy to the presentation. If we're agreeing to have it published in *Hansard*, maybe there should be a criteria that it has to be read. And, again, I say that only because when some time over the next year hopefully we'll come up with a number of ideas that we might be able to make some changes to committees and the way in which the committees operate because no system is perfect, and looking for improved ways of ensuring better laws in Manitoba I think would be a positive thing.

Now here's the reason what made me think about that is that there was a presentation that was tabled this evening and it was supposed to be read, and I think it's from Craig Johnson. I was reading it, and I thought, you know, this would have been a very good presentation for people to hear prior to maybe even them making presentation. In reading it, it made me reflect on why it is that I'm actually here today. And I'll quote the presentation. It says: Previous amendments to the Elections Act and Elections Finances Act since 1999 have been perceived to be atrociously partisan by using legislation.

And I'm just stopping right there. And why is that important to me? Well, you know, had the government not moved the legislation back in 2000 I wouldn't be here today, Madam Vice-Chair. It was because the government actually moved the legislation and ultimately led to the Liberal Party dividing into two. The New Democratic Party, in the legislation that they brought forward back then, divided the Liberal Party into two: a federal wing of the party and a provincial wing of the party. I use my hands—it's that French coming out of me. So we had divided into two wings, if we can put it that way.

**An Honourable Member:** Every bird has them.

**Mr. Lamoureux:** That's right. Having said that, Madam Vice-Chairperson, I was concerned about what was going to happen to the provincial Liberal Party, and there was a great deal of discussion and I

made the decision at that time that I would get back into provincial politics. Had it not been for that legislation, I suspect—well, I shouldn't say I suspect, I wouldn't be here today. And I say that because I'm glad in one sense the government did do it, because I've enjoyed being back at the Manitoba Legislature, and you know something? I look at the T-shirt that I'm wearing right now, and I think it's a wonderful T-shirt and I applaud the individual that came up with the idea—

**An Honourable Member:** Michael Diamond.

**Mr. Lamoureux:** Michael Diamond had a wonderful idea, because they say a picture is like a thousand words, and it's the type of thing which I want to be able to use, Madam Vice-Chairperson, because I envision myself using this particular T-shirt in future campaigns and so forth as a reminder, and when we look at the motion that's been brought to the table where it talks about Preston Manning, the reason why I suspect that that motion might have come forward is because there was an article in a major newspaper where Preston Manning was talking about free speech, and obviously he was concerned, justifiably, about free speech. Equally, I am concerned about the free speech and the limitations that the government is putting on free speech. After all, that's the reason why I agreed to wear the T-shirt,—

**An Honourable Member:** It was free.

**Mr. Lamoureux:** Well, and the fact that it was free was not a disincentive. It definitely helped, but I might have considered giving a minor contribution of \$5 or \$6, let's say, or something of that nature to help cover the costs.

Having said that, Madam Vice-Chairperson, the idea is that we're concerned in regard to free speech, and like government legislation in the past and government actions in the past have drawn other members into the public arena, I suspect that you will see Bill 37 will draw other people into the public arena. I see that in one sense can be a positive, but the overriding concern that I have is how do we deal with the issue of free speech?

That's the reason why when I look in terms of what it is that the Member for Steinbach (Mr. Goertzen) is trying to get across here, is to get a member from the public to come before the committee so that he can elaborate on an article that was written, and I'm not too sure of the actual date. I know I do have the article—*[interjection]* In April?

Well, I know I do have the article somewhere, and I anticipate that one of the reasons why the name came up was because possibly of the article. Then the Member for Thompson (Mr. Ashton) raised some concerns in regard to well, why that particular individual, and some concerns in regard to maybe the Member for Steinbach was being a little bit elite.

So then the Member for Steinbach moved another motion suggesting that it be Ed Schreyer that also come before the committee, and to be honest with committee members, I suspect that no matter who we invite to the committee, anyone with any sort of leadership, strong leadership, that believes in democratic principles, I believe would be coming before this podium and would be talking about that the government is making a mistake with regard to freedom of speech. I don't think that there's anyone—I would not have thought there would have been anyone that would support how the government of the day is trying to use freedom of speech.

So the idea of inviting some of these individuals I think is very, very good, and the committee needs to look at that for future committee meetings, whether it's six months from now, two years from now. I think the idea and the principle of what the Member for Steinbach is doing is very admirable. I think that it could actually add to the future debate.

I know, at times, I've made reference to comments from previous NDP premiers, Ed Schreyer in particular, and I think that the Legislature has benefited from some of those comments, whether it was on Hydro, whether it was on Crocus. Well, the Crocus—he was one of the individuals that ultimately suggested that we have a public inquiry in regard to the Crocus Fund. *[interjection]* I'm sorry.

**Madam Vice-Chairperson:** Your time is coming to an end.

**Mr. Lamoureux:** Time's up?

**Madam Vice-Chairperson:** Your time is coming to an end, if you could just conclude your comments.

**Mr. Lamoureux:** Well, Madam Vice-Chair, I was wanting to say something positive about the government in terms of the Member for Wellington (Ms. Marcelino) pleasantly surprised me when she made reference to the fact that it was caucus, and even though it wasn't unanimous for the support in the bill, it was just a consensus, because prior to her making those comments, I honestly didn't think that it went before the caucus. So it's good to see

government members participate, and I encourage that.

\* (22:40)

**Madam Vice-Chairperson:** Mr. Lamoureux, thank you very much.

Our next speaker is Mr. Goertzen.

**Mr. Goertzen:** Madam Vice-Chairperson, it's a pleasure to speak to the amendment that I raised. I want committee members to know I raised it with all the best spirits and intentions in a bipartisan way, particularly for the Member for Thompson (Mr. Ashton).

I was happy with the way the motion stood originally, and then I heard the comments from the Member for Thompson about elitism and about it being elitist that we invite Mr. Manning. I was shocked, appalled, some might say, to hear the comments from the Member for Thompson. It was tantamount to him saying that because they had Jack Layton speaking at their NDP convention in Manitoba, that somehow that was elitist because there were other people, New Democrats, at the convention who didn't get to speak as the keynote speaker. So it must have been an elitist thing to have Jack Layton as the keynote speaker.

It's like saying, well, we had Prince Edward here a few days ago. Well, that's elitist because we didn't let every Manitoban who's just as good as Prince Edward get treated as though they were royalty here in the province of Manitoba. It's like saying that the Premier (Mr. Doer) is elitist because he goes to Mexico and he meets with other individuals there, and so he's acting as an elitist.

*Mr. Chairperson in the Chair*

It's, of course, ridiculous to suggest that, because people get certain roles because of the positions that they're in, and the prince was here as the prince because that's his position. It's not elitist. Jack Layton spoke at your convention, not because it's elitist, but because that's the position he has as the federal NDP leader, and the Premier is in Mexico, not because of the fact that he's the Premier; it's because he wanted a holiday. He wanted to get away from the difficult challenges that were happening here in the Legislature. But is that elitist? I think not. It's simply because of the position that they hold within their own individual parties.

So to suggest that inviting Mr. Manning or Mr. Schreyer is a sign of elitism is simply wrong. It's

with respect to the individual presenters and the expertise that they have. I think if you would ask most Manitobans, would it be valuable to hear from somebody like Mr. Manning, given their expertise, they would say yes. I would acknowledge that I don't have the expertise of Mr. Manning, and I wouldn't take offence at the fact that he would be coming forward to make a presentation, or Mr. Schreyer. Or Mr. Schreyer. I think there's a painting of Mr. Schreyer in here. It's not my favourite painting, but that painting speaks as often as the Member for Radisson (Mr. Jha). We should have a painting of the Member for Radisson here, and they could all be in silence. But I respect the Member for Radisson. I know that he'll speak in the times ahead.

But Mr. Schreyer, I think, could actually add something meaningful to the discussion. You know, I was in the unusual position of actually having the name of Ed Schreyer on one of the mailers that I put out into my riding a few weeks ago when I was listing those who were opposed to building a hydro line on the west side of the province as opposed to the safer, shorter, more secure route on the east side. I had to put Ed Schreyer as one of the esteemed Manitobans who thought this NDP government was making a mistake.

Maybe that's one of the reasons why the government wants to vet our mailing. I bet if I brought that particular piece of literature to the NDP-controlled vetting machine for mail that they want to set up, they would have said, oh, we can't do that because that's partisan, because you're using Mr. Schreyer's name against us. Mr. Schreyer, I'm sure, is a point of discomfort for the members opposite. He's been very clear in saying that he disagrees with the direction that this government has on the hydro-line issue.

You know, I thought this would be a friendly amendment. *[interjection]* Oh, I got lots more quotes from Ed Schreyer in relation to Crocus, but that's why, probably, the government wants to shut out Mr. Schreyer from this committee. I sort of expected the reaction on the Manning suggestion because of the fact that he doesn't represent the views of the Member for Thompson (Mr. Ashton) and other members of the government caucus, but what reason, what rationale could they have for being against Ed Schreyer coming to the committee and bringing forward his views?

The only thing I can think of, Mr. Chairperson, the only thing that I can think of is because he's been

very critical of this NDP government. He's looked at the hydro line—and he's tried to look at it objectively—and said that they're wasting millions and ultimately, perhaps, billions of dollars by building it on the wrong side of Lake Winnipeg. So it would be a great source of embarrassment for the Member for Thompson, who's probably used Mr. Schreyer as some sort of a model in his political career, to have that same individual come to the committee and tell the Member for Thompson that he's dead wrong when it comes to the hydro line in Manitoba.

We know that the member—or that Mr. Schreyer has spoken out against this government when it comes to the Crocus affair. He's wanted a public inquiry into Crocus and to ensure that all Manitobans, all the Manitobans who lost millions of dollars from their retirement funds knew what happened to all of their money, all of their retirement money. Mr. Schreyer, and I give him credit, has said strongly that the only way they're going to get to the bottom of the Crocus affair is to have that public inquiry, and of course, you know, the members opposite didn't want to listen to Mr. Schreyer then and they don't want to listen to Mr. Schreyer now. You know, wouldn't want to give him the mike because what else might he say.

What might he say about Bill 37? He might look at it, just like he did with the hydro line issue, or just like he did with the Crocus issue, say this is unjust and it's unfair and we shouldn't bring forward with it. That would be a shame for all the members. They would all be ashamed by the fact that their former premier, their former leader, a man that they often quote as being a great parliamentarian and a great Manitoban would disagree with them on so many fundamental things that this government is bringing forward, whether it's Hydro policy, whether it's the operation of investment funds, labour-sponsored funds in the province of Manitoba, or perhaps even Bill 37, they don't want to suffer that embarrassment. I say that they shouldn't be—they shouldn't be worried about what Mr. Schreyer should say or Mr. Manning or any other person that would come forward to the committee. If they had an open mind, if they truly were open-minded to what this particular piece of legislation is doing I would say that they wouldn't be concerned.

But I think, in many ways, they brought forward the legislation thinking, well, we'll slide it by early in our first term. We'll drop it stealth-like onto the caucus, our individual caucus, we won't tell our backbenchers what it's all about. We'll just tell them

it's fixed election dates. We'll surprise them, too. And, boy, what a shock it must be for some of the NDP backbenchers to come and, after having drank the Kool-Aid from the Premier (Mr. Doer) and the Attorney General (Mr. Chomiak) about what this particular bill was about, and hear presenter after presenter, and editorial after editorial from the different groups, from the editorial board of the *Free Press*, from the editorial board of *The Winnipeg Sun*, from Mr. Manning, to other esteemed editorialists across Canada, not just even in Manitoba, taking an interest in the undemocratic bill, Bill 37.

What a shock after, you know, hearing the speech from the Premier in their caucus and from the Attorney General, and now they get thrown into the committee while the Premier is on a beach in Mexico and they have to try to defend—

**An Honourable Member:** Beach?

**Mr. Goertzen:**—oh, he's by the pool, I'm sorry, I always forget, pool, beach. And they have to try to defend this undemocratic legislation and I feel sorry. I feel sorry for these members opposite who have to try to sit here and take day after day, week after week, presentations from Manitobans. And, I remember, I remember as though it was yesterday the Member for Thompson, and we can look back on *Hansard* where he said, near the conclusion of the MTS debates, he tried to state, he tried to state as fact, he said there were 192 presenters and then he gave the breakdown of who was in favour and who was opposed based on the presenters.

Well, I would say if we did the calculation here, that 95 percent of the people who presented on Bill 37 have been opposed to the legislation. So, if the Member for Thompson thought that was a good indicator, a good barometer of support back in 1997, does he not think that that's equally a good barometer today, on Bill 37? Does he not think that it's a good barometer? You know, it's funny, when they're in government they have one thing to say—[*interjection*] Well, you know, I hear the members opposite chirping and trying to—and the one moment, the one minute the Minister of Intergovernmental Affairs (Mr. Ashton) says we respect all Manitobans who came forward, and now he's denigrating them from the back seat of this committee room—[*interjection*] You're denigrating their unsuccessful run in politics. And that's typical, that's typical of the NDP government, you know. When you're in opposition you say one thing. When you're in government you say another. When the camera's on, you say one

thing. When the camera's off, you say another. When the mike is on, you say one thing, and when the mike is off, you say another.

But I say—and we've been consistent, you know, from the day this bill was dropped, stealth-like, in the Legislature, and we had the opportunity to read it. We've been consistent in saying this was not good for democracy, it was not good for Manitobans, and I don't believe it's good, actually, for the New Democratic members opposite. I've seen some pretty long faces here over the last week and a half from the, particularly from the backbench members, because I don't think that they in their heart believe in this legislation. You know, it can be a challenge at any time to think with this committee has sat—I'll be corrected—but I think this committee has sat 44, 45 hours, somewhere in that range—

\* (22:50)

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

The next speaker I have on the list to the motion is Mr. Derkach.

**An Honourable Member:** Mr. Derkach is not here, and we will—

**Mr. Chairperson:** So, then, the next person I have on my list is Mr. Pedersen.

**Mr. Blaine Pedersen (Carman):** Mr. Chairperson, I seem to have the good fortune always to follow my good caucus mate from Steinbach. It's such a hard act to follow, but I'll do my best here.

This is to the amendment that's adding the name of Ed Schreyer to the motion that Preston Manning be asked to make a special presentation to this committee on Bill 37. Then, of course, it was amended to add Ed Schreyer to make sure we had a true balance on this.

I would really look forward to this presentation. This could be a real sell-out. We should sell admission to this, because I think a lot of people would come here to hear Preston Manning and Ed Schreyer take an absolute strip off this government over what I call the omnibus George-Bush-style of bill here that's coming in Bill 37.

I have the feeling that they will not vote in favour of this amendment. Then, ultimately, they will not vote in favour of the motion because I don't think they would want to hear what Ed Schreyer and Preston Manning had to tell them about Bill 17,

because I think they would have a great deal of difficulty explaining the many parts of this bill.

They may even have a hard time explaining how they managed to stealthily drop this bill into the Legislature, sell it to the media on the basis of set election dates. However, afterwards, we find out it's really not set election. It's up to the Premier (Mr. Doer) to call the next election, whenever he feels like it, but then it'll be set after that.

I think they would have a hard time explaining that to Mr. Schreyer and Mr. Manning. I've never had the pleasure of meeting Mr. Schreyer personally, but I have met Mr. Manning. I know he's a very honourable person and I'm sure that Mr. Schreyer is also. With their past experiences, they would be able to lend a lot of credibility to this committee.

Credibility is really what this committee's been lacking, because it's been a charade from the start. The last thing they want to do is hear from Manitobans. Mr. Chair, we've asked them to take this committee out across the province, to hear more input from Manitobans, but they've refused to do that.

I think that they would have a hard time explaining how the lobbyist registration—they'd probably have an easy time explaining it, but they'd have a hard time justifying the lobbyist registration—explaining how, to Mr. Schreyer and Mr. Manning, why the opposition would have to have their communications vetted through a Cabinet-appointed registrar, just to make sure it's not hurtful to the NDP.

We're not even sure what hurtful really means here. We have no idea; they don't seem to explain very much. We can just assume that their hurt level is very low; their pain threshold will be very low, so it will have to be very soft, any communications that we send out, so that they really will be approved by the Cabinet-appointed registrar.

I'm sure, I'm absolutely sure that Mr. Manning and Mr. Schreyer would not see this as censorship in any way, shape or form. I'm sure this government would be able to explain it, that this really is not censorship; in fact, this is democracy in action.

Of course, the vote tax again—I'm positive they would be able to explain how a government that's bringing in Bill 38 so they can run deficits will be able to also explain then how a vote tax of about half a million dollars, before the next election, can be paid to the parties. I'm sure they can justify that in a

deficit. Hydro, hopefully, will have lots of money in it to balance the budget.

There are many things about this that I'm sure they'll be able to explain to Mr. Schreyer and Mr. Manning. Of course, by the time that Mr. Manning and Mr. Schreyer come here—because we haven't actually scheduled times for them to come—the Premier (Mr. Doer) will be back from Mexico from the poolside, not from the beach, he's coming back from the poolside, and we know that he will have checked out the UNESCO site at the little resort that he's been at there. I got a rather unique geography lesson tonight, that this town in Mexico actually has a UNESCO site. They actually have a hydro dam. They produce power on a river nearby and that hydro line came directly across. They did not go on the west side of the mountain. They went direct—and I didn't quite catch it, but I thought there was even inferred that the hydro line actually went through the UNESCO site.

So I am very much looking forward to the Premier coming back next week so he will be able to give us a complete report on his trip to Mexico. He will be able to tell us all about this. He'll also be able to tell us about all the pork that he sold in Mexico because, by the time he comes back, we'll be well into committee hearings on Bill 17. He'll be able to explain to all the families that are going to come to Bill 17 how he's managed to stop pork production in Manitoba and yet he sold all this pork to Mexico. That's NDP logic, and I am sure the Premier will be coming back early. I'm sure he won't be staying late on an extended holiday because he'll be so excited to come back. He was telling us earlier this week in the House, the Premier was, that actually 70 percent of our trade was to the east. I always thought—but now he's down south, so he must be promoting trade south. Maybe we don't have enough trade to the south. I always thought our main pork trading partner was to the south, but, you know, that pork that will be shipped down there will probably be sent in containers, and those containers will be gathered in Regina because the new hub of the inland port will be out of Regina, and they'll be able to go straight down to Mexico from there.

So I know that the Premier is working very hard on our behalf. I certainly look forward to hearing his report when he comes back. I would assume that by the time he comes back we will have arranged and we'll have leave of this committee for Mr. Schreyer and Mr. Manning to come to this committee, and I, again, I think we should rent the MTS Centre for this

because I can see this as being a big event, how Mr. Manning and Mr. Schreyer will have Bill 17—Bill 37 explained to them. We could even throw in Bill 17 because I think we could probably get a few people out there to hear that. Of course, with Bill 38 they could rent the MTS Centre and then, if it runs into a deficit, they've got four years to pay it off anyway, from renting the MTS Centre.

So I really look forward to that, and with that, Mr. Chair, I would like to wrap up. I think it's a great deal. I look forward to a great deal of excitement to Mr. Schreyer and Mr. Manning coming to present to this committee. Thank you.

**Mr. Larry Maguire (Arthur-Virden):** Mr. Chair, I appreciate the Member for Carman getting a little excited there. I mean, you know, it's a pleasure to be able to speak to the motion that's before us. I, too, have had the opportunity of meeting Mr. Schreyer as well as Mr. Manning, and I would have really encouraged the government to vote for this motion. It's absolutely—it would be a mind-boggling eye-opener for the members of the government to have both of these men jump all over them on this kind of legislation if they would ever have the guts to bring them to a public meeting—

**An Honourable Member:** The MTS Centre.

**Mr. Maguire:** Well, even a private meeting, Mr. Chair, and have a good discussion with Mr. Manning and Mr. Schreyer about this type of restrictive legislation. I know I'll have the opportunity to get into it more tomorrow—

**Mr. Chairperson:** Excuse me, Mr. Maguire, I caution you to pick and choose your words very carefully. You were coming very close to using unparliamentary words during your debate here. So I caution you to pick and choose your words carefully, please. Mr. Maguire to continue.

**Mr. Maguire:** Thank you, Mr. Chair. I—some people just didn't have the stomach for being able to carry forward with some of the items that we're at, and so I—and that's no reflection on you. I was speaking of others.

Mr. Chair, there are many, many reasons, and I think, perhaps, I'll have a chance tomorrow in this committee to expound more on why I am so concerned about Bill 37. Of course, the T-shirt that I'm wearing speaks volumes for it. Bill 37 equals lack of free speech, and I think—



**Mr. Chairperson:** Order, please. The hour being 11 p.m., as previously agreed, this committee will rise. Just before we rise, though, I'd ask members of the committee to please leave behind the copies of the bills for subsequent committee meetings. Of course, this committee will reconvene in this room tomorrow, Thursday, June 5, at 6 p.m.

The hour being 11 p.m., committee rise.

**COMMITTEE ROSE AT:** 11 p.m.

**WRITTEN SUBMISSIONS PRESENTED  
BUT NOT READ**

Re: Bill 37

**I Introduction: The Process:**

The main argument of this submission is that the manner in which Bill 37 was developed without consultation, and is being handled by the Legislature contradicts the bill's stated aim of enhancing democracy.

The bill represents a limited, partial response to the so-called "democratic deficit". The phrase lacks precision. It is used by various commentators to refer to all of the following phenomena within the political system:

- declining voter turnout in general elections
- less than five percent of Canadians belong to political parties
- younger Canadians are disillusioned with the traditional political process of parties and elections and have turned to alternative forms of political engagement
- opinion surveys indicate much lower levels of public trust and confidence in politicians and political institutions than in the past
- there is a widespread suspicion that elected representatives quickly lose touch with the concerns of ordinary citizens and listen to "big interests"
- Canadians are better educated and have potential access to more sources of information about politics and government, yet opinion surveys reveal widespread public ignorance of the basic features of the political system and of the actions being taken by governments.

All of these conditions are signs of a less than healthy democracy. There are multiple causes, both historical and contemporary, of the current public mood of discontent towards the political process. These fundamental facts mean that on their own the

changes in Bill 37 will contribute only marginally to reducing the disillusionment and suspicion about politics and politicians.

The NDP government exaggerates the benefits of Bill 37 in terms of enhancing electoral and legislative democracy. The Progressive Conservatives exaggerate when they claim that the bill "attacks" democracy and will severely limit the political freedoms of Manitobans. The intemperate, negative and theatrical way in which the bill has been debated in the Legislature reinforces that public's perception that politics today involves nothing more than mindless partisanship and gamesmanship. Manitobans deserve better from their elected representatives.

It should be possible to have a more informed and constructive debate about what changes are required to achieve a more vibrant democratic process, which commands the respect of more citizens.

Other provinces—such as British Columbia, New Brunswick, Ontario and Québec—have used citizen assemblies and commissions to renew their democratic processes. They have held public hearings and conducted research to better understand the reasons for democratic discontent. These inquiries have explored a wide range of options to enhance electoral and legislative democracy. Their hearings reports and the government responses to them have served to educate the public and to mobilize support for the eventual changes which were introduced.

It is preferable in a 21st century democracy that the public be consulted when changes are being made to the rules of electoral and legislative democracy. As much as possible, such changes should be made on the bases of all-party agreement rather than the governing party using its majority in the Legislature to impose reforms which could be perceived to serve their short-term political interests.

It would have been more consistent with the declared aim of enhancing democracy, for the NDP government to establish a consultative mechanism and to allow more time for public input. This is different from setting a legislative agenda or drafting a budget. Fundamental electoral and legislative rules do not exist for the convenience of political parties; they are meant to encourage the rule of law, fairness, transparency, citizen engagement and political accountability in the development and implementation of public policy.

If the government wanted to avoid the time and expense of a commission, there were other options open to them. They could have issued a discussion paper (see the New Brunswick paper, *Renewing Democracy in New Brunswick*, June 2007) setting forth their interpretation of the sources of the current democratic malaise and the pros and cons of reform to the electoral system, to the procedures of the Legislature, to how government operates and to how best to structure the interactions between governments and various systems of society. Such an exercise could have taken us well beyond the limited agenda of fixed election dates, partial public funding of parties and the registration of lobbyists, which are the main features of Bill 37.

Manitobans deserve to know why Bill 37 contained certain reforms and not others, such as proportional representation, free votes in the Legislature, more independent committees in the Legislature, more transparent processes for making appointments to boards and commissions and new mechanisms to engage Manitobans, especially more marginal segments of the population, in the political process.

The discussion paper could have been referred to an all-party committee, chaired by a respected citizen, a process which proved valuable in developing a consensus of Manitoba's initial position for the Meech Lake Constitutional process back in the late 1980s.

It is the job of governments to provide leadership on policy issues. However, they should not assume that they have a monopoly on knowledge and ideas when it comes to good public policy, especially when it involves the rules of the democratic process. Successive governments, regardless of the party in office, have tended to assume that control of the legislative is a prize which comes with an election victory. They have regarded the Legislature less as a source of useful knowledge and advice, and more as an obstacle to be circumvented or a nuisance to be tolerated. Parties in opposition have viewed the legislative process mainly as a permanent election contest in which they seek to score political points against the government and not as a forum where they advance constructive ideas for public policy. This adversarial dynamic pervades the culture of the Legislature. On some issues, there are appropriately strong philosophical disagreements, but much of the time the differences between the parties are artificially exaggerated. On matters of democratic reform, Manitobans need more muted, constructive,

evidence-based debates and less political posturing and name calling.

Bill 37 was announced in a press release on April 30, 2008. Second reading on the bill took place on May 22, 2008. Significantly, the NDP put up no speakers at second reading, apparently so as not to delay referral of the bill to the Justice committee and its speedy passage by the anticipated end of the session of the Legislature on June 12, 2008. The deadline for citizens to register was May 29, 2008. The committee planned hearings over three two-hour periods. At the first committee meeting, procedural challenges by the Progressive Conservatives took up the first 90 minutes. Witnesses waited up to five hours to be heard.

The process of allowing public input on bills after the second reading is often praised by MLAs and others as a democratic opportunity which is unique to the Manitoba Legislature. On this occasion, however, the games-playing, partisan bickering and lack of time (a maximum of 10 minutes per witness) meant that the democratic opportunity for meaningful debate and learning was largely squandered. More such spectacles, with attendant negative media coverage, will deepen the disillusionment that Bill 37 is meant to solve.

There is no rush to approve Bill 37. At the very least, the government should agree to hold the bill over to the intersession period to allow the Justice committee to conduct hearings in select locations across the province (probably Winnipeg, Brandon and Thompson would be sufficient) and to encourage witnesses to offer additional ideas for democratic reform.

Away from the intensity of the ongoing session, it would be easier to find agreement of possible amendments to Bill 37 and to create a consensus on a future agenda of possible changes. Also, three rushed committee meetings to hear public opinion on an omnibus, 48-page bill, which amends five separate acts, covers a wide range of topics (admittedly somewhat related) is not an intelligent way to approach lawmaking about the fundamental rules which will govern the future of the democratic process in the province.

## II Fixed Election Duties:

If Bill 37 passes, Manitoba will be the sixth province, territory with fixed election dates. The term "fixed" is somewhat misleading because there cannot be an absolute guarantee that a premier will

not "arrange" the defeat of his government of a confidence matter and request dissolution from the Lieutenant-Governor. The Lieutenant-Governor cannot force a premier to stay in office. A party which caused its own defeat in the Legislature might pay a political price in the ensuing election, but presumably that would be part of the premier's calculations about whether to break the rules and hold an early election.

Here are other arguments against a fixed election date:

- it represents a fundamental change to the parliamentary tradition and is contrary to the basic principle of the supremacy of the Legislature
- it is a solution looking for a problem since there is no compelling evidence that the cynical manipulation of election timing by premiers always guarantees success
- to ensure Cabinet and caucus solidarity and to resolve deadlocks, it is suggested that the Premier should have the prerogative of calling elections
- removing the prerogative of the premier to control the timing of elections will not reduce strict party discipline in the Legislature, to which voters supposedly object, because there are many other pressures and mechanisms which lead to party unity
- there is no spontaneous public demand for fixed-date elections. When asked, citizens say they favour the concept but do this on the basis of very limited knowledge of the principles of Cabinet-parliamentary government and how it works in practice
- there is the fear of American-style campaign lengths and costs because parties will know the exact date when the election will occur
- it would make it harder to remove an irresponsible and unpopular government between elections.

Given the lack of agreement on the nature of the problem being solved by, and the potential for unforeseen consequences arising from, the attempt to codify rules for all possible contingencies, the sceptics suggest that proceeding cautiously would be the best course to follow.

The proponents for fixed election dates are gradually winning the day across the country. The arguments for "calendar" elections are:

- would reduce cynicism about the political motives and intentions of the premier regarding election timing
- would be "fairer" because it would not give the governing party an advantage in terms of controlling election timing;
- would remove the threat of an election as one lever in the hands of the premier to control Cabinet as well as restive or rebellious backbenchers
- would facilitate election planning for parties and candidates
- would allow better planning and administration of elections by Elections Manitoba
- would make the voting process more accessible to people, such as students and seniors, if the elections are not held in the summer or winter
- voters could better judge the performance of the governing party in the run-up to the election based on the existence of an exact date
- would improve the ability of government departments to plan legislation and program activities
- opposition parties, knowing that the government has a fixed term, might be more constructive in their approach.

On balance, the advantages of a fixed-date election system probably outweigh the disadvantages but only if the concept is not "oversold" as a solution to the democratic deficit and if the constitutional and practical requirements involved with changing the existing parliamentary traditions are observed. Mainly this involves protecting the constitutional rights of the Lieutenant-Governor to grant or to refuse to grant dissolution of the Legislature when requested by the premier. Bill 37 does this. Adoption of a statute, rather than a constitutional provision, is preferable because it will allow for change, even repeal, if the legislation does not work as anticipated.

On the actual provisions of Bill 37 respecting fixed-date elections, I have two comments: First, if the concept of fixed dates is a good one, why does section 49.1(2) provide an "escape" mechanism for the calling of an "early" election before June 13, 2011. I have not found in the official releases provided by the government or in public statements by government spokesmen a satisfactory explanation for why fixed dates cannot take place immediately.

Secondly, the timing of elections for mid-June may not be optimal for some groups, such as students and farmers, and a satisfactory explanation for the choice of this timing has not been forthcoming. The proximity to the spring session of the Legislature when the budget is presented and when most bills are debated might be the reason. Of the nine provinces/territories which have passed or introduced fixed dates, six have opted for fall dates in either late September, October or early November, as has the Government of Canada (October). There needs to be more debate of the criteria which should be used to pick up a fixed date.

### **III The Elections Finances Act:**

Political parties have fallen into disrepute with many citizens. This is unfortunate because parties play a crucial role in our political systems; helping to organize and represent public opinion; acting as recruitment agencies to select people to run for public office, fulfilling the roles of governments and opposition within the Legislature; offering public policy ideas and providing a basis for holding office-holders accountable for their actions. In law, political parties are still regarded primarily as private associations but increasingly, they have been the subject of laws and regulations which recognize the collective "public interest" roles which they perform within society.

Regulation of the fundraising and the spending practices of political parties is justified by the need to ensure public confidence in the political process. Provision of public financial support, either directly or indirectly, to parties is justified given their central role in our democracy. Finding the right balance between regulation and support involves an ongoing process of adjustment to changing circumstances within the political system.

Banning corporate and trade union donations to parties in 2000 was intended to assure the public that parties were not beholden to powerful groups and to avoid grossly unequal access to the money needed for campaigning. Unlike other jurisdictions which adopted such bans, Manitoba did not make adequate provision for public financing to pick up the financial slack. The level of public finance for parties should not cover all their costs but it should meet the requirements for the core activities of a modern election campaign and ongoing operations between elections.

Bill 37 correctly makes up for the financial difficulties of parties by introducing public financing

for elections and provides an annual allowance for registered parties outside of the election period. The annual allowance at \$1.25 per vote obtained in the last election, up to a maximum of \$250,000, is probably too low. In comparison, the allowance in New Brunswick is \$1.76 and Nova Scotia is \$1.50.

The Conservatives have characterized the alliance as a "vote tax" implying that the NDP wants to tax people for their votes. This is good rhetoric but poor analysis. Other funds are provided to parties from general government revenues. For example, money for caucus research offices and for constituency allowances for individual MLAs, but these financial supports for legitimate party expenses are not labelled taxes. The \$500,000 expenditure on Manitoba's two main parties is hardly a huge expenditure in a total provincial budget of \$10 billion given the importance of parties in our system of government.

### **IV MLAs' Allowances:**

Bill 37 requires that party caucuses fill an annual financial report for the allowances they receive. It also requires that communications from MLAs and from caucuses are non-partisan. Criteria to enforce this provision would be established by the Legislative Assembly Management Commission, LAMC.

The Conservatives argue that this provision will interfere with their ability to freely interact and represent their constituents. It will place adjudication of disputes over what constitutes partisan communications in the LAMC, which has the elected Speaker as chair but also has a majority of members from the governing party. They insist that MLAs are professionals and can be counted on to respect standards in public life.

Two points can be made about these arguments against the proposal to prohibit the use of constituency allowances for partisan activities. First, there have been serious abuses of caucus and MLA funding in other provinces such as Newfoundland and Saskatchewan. In Newfoundland, the Green Commission, 2007, recommended clarification of the rules based on balancing the rights of MLAs with the requirement to ensure compliance and accountability. It offered a concise definition of what was legitimate "constituency business" and called for the Legislative Assembly Management Commission to oversee enforcement.

Second, it is true that the LAMC in Manitoba has government majority, but it operates usually on a consensus basis. Use of the provincial Auditor General to resolve disagreements over whether particular activities were too narrowly partisan might be a compromise on this issue.

#### **V The Lobbyists Registration Act:**

Bill 37 requires lobbyists to register, to disclose who they are targetting and indicate the type of activities used to get their point across with ministers, legislators and bureaucrats.

The lobbying world in Manitoba is smaller and less intense than in the national capital and the larger provincial capitals. In a smaller provincial system there are more informal face-to-face encounters. Pressure groups represent a crucial link between different sectors of society and governments. They are a valuable source of intelligence and policy advice. The point of registration is not to curtail their activities completely but to avoid undue influence and to promote transparency in the policy process.

Bill 37 follows the now familiar approach to the registration of lobbyists which exists elsewhere, with one notable exception. It proposes to create a registrar for lobbyists within the framework of a government department. This would mean that the individual would report up the line to a minister and might owe his/her appointment to the Premier and Cabinet. Such an arrangement would not ensure strong public confidence in the strictness of the monitoring and enforcement of the rules which are meant to set parameters on lobbying activities and to promote transparency.

Instead of a regular public servant, the registrar of lobbyists should be an officer or agent of the Legislature, appointed by an all-party committee in the way that the Auditor General and Ombudsmen are. If the reason for proposing that the registrar be located in the department was the anticipation that the volume of work would be low, the alternative of a parliamentary agency could be established initially on a part-time basis and the position filled on the

basis of all-party agreement by a retired judge or other respected citizen.

#### **VI In Conclusion:**

The NDP government seems determined to use its majority in the Legislature to have Bill 37 passed by the scheduled end of the current session on June 12, 2008. The Progressive Conservatives have used extreme language about the destruction of democracy, procedural tactics and the mobilization of witnesses to oppose the bill. Ironically, such partisan games regarding a bill intended to enhance democracy will end up deepening the prevailing cynicism about the motivations and behaviours of politicians which the bill is meant to reduce.

There is no reason to rush Bill 37 through the Legislature. It is not a response to an immediate crisis. It is a complex piece of legislation involving a number of component parts. As an omnibus bill, it asks individuals and organizations to express approval or disapproval for fundamental changes to our political system and to do so within the short time period of a month or so. This does not allow sufficient time to gain understanding of all the components and complications of the bill, to mobilize public support and consent for the bill and to gain the necessary democratic legitimacy for the proposed new arrangements. There is also not time to identify and to debate alternatives to what the government is proposing as its limited response to the so-called democratic deficit.

My recommendation is that the bill should be carried over for study during the intersessional period, either by the Legislature's Justice committee or by an all-party task force chaired by a non-partisan individual.

Paul G. Thomas

Duff Roblin Professor of Government

University of Manitoba

June 3, 2008

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