

Fourth Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mr. Daryl Reid
Constituency of Transcona

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Monday, June 5, 2006

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. Daryl Reid (Transcona)

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

ATTENDANCE – 11 QUORUM – 6

Members of the committee present:

Hon. Messrs. Doer, Mackintosh

Messrs. Cummings, Dewar, Goertzen, Ms. Korzeniowski, Messrs. Maloway, McFadyen, Reid, Schuler, Swan

APPEARING:

Mr. David Faurschou, MLA for Portage la Prairie

Mr. Leonard Derkach, MLA for Russell

Mr. Kevin Lamoureux, MLA for Inkster

WITNESSES:

Mr. Sidney Green, Private Citizen

Mr. Roy McPhail, Private Citizen

MATTERS UNDER CONSIDERATION:

Bill 22–The Elections Reform Act

* * *

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

Our first order of business this evening is the election of a Vice-Chairperson. Are there any nominations?

Mr. Gregory Dewar (Selkirk): Mr. Chair, I nominate Ms. Korzeniowski.

Mr. Chairperson: Are there any further nominations? Seeing no further nominations, Ms. Korzeniowski is elected as Vice-Chairperson of this committee.

This meeting has been called to consider Bill 22, The Elections Reform Act. We have a small number

of presenters registered to speak this evening. They are, for The Elections Reform Act, Bill 22, Sidney Green, private citizen and Roy McPhail, private citizen. If there are any members of the public in attendance here this evening that wish also to speak to this bill, they may see the Clerk at the back of the Chamber to have their names registered on the list.

Now, before we proceed with these presentations, we do have a number of items and points of information to consider. For the information of all the presenters, while written versions of presentations are not required, if you are going to accompany your presentation with written materials, we ask that you provide 20 copies. If you need assistance with photocopying, please see the staff at the back of the committee room, and they will assist you with that photocopying.

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

As of 6 p.m. this evening, there were two persons registered to speak to this bill. Therefore, in accordance with our rules, this committee may sit past midnight to hear presentations. How late does the committee wish to sit this evening?

An Honourable Member: Till the work of the committee is done.

Mr. Chairperson: Is it agreed until the committee has completed its work this evening on this bill? *[Agreed]* Thank you.

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking to the committee. For those who may not know, the proceedings of our committee are recorded in order for our verbatim transcript, and each time someone wishes to speak, whether it be a MLA or a presenter, I have to first, as

Chairperson, indicate the person's name. This is a signal for the Hansard folks behind me to turn on and off the microphones. So I thank you for your patience. We will now proceed with public presentations.

Bill 22—The Elections Reform Act

Mr. Chairperson: I will now call first, Sidney Green. Good evening, Mr. Green. Welcome. Do you have a written presentation, sir?

Mr. Sidney Green (Private Citizen): No, Mr. Chairman.

Mr. Chairperson: Then you may proceed when you are ready, sir.

Mr. Green: Thank you, Mr. Chairman. You indicated that there is only a small number; let us hope that the quality will make up for the lack of numbers.

May I say, Mr. Chairman, to begin with that normally when I am speaking now, I am speaking in a courtroom, and there are certain protocols when I do not agree with what a trial judge has said. I have to say in deference to the trial judge that the learned trial judge erred. Now, I am in a legislative committee and I do not have to say that. I can say what the facts are, and the facts are this legislation is not ill-considered. This is stupid legislation.

The reason for the legislation is something which we are all acquainted with. There was a person who changed parties, and there was suddenly an uproar. It was even suggested that there would be legislation making it illegal for a person to change parties, that, in order to do so, they would have to resign and face the electorate. This legislation is far more modest—so modest, indeed, that it becomes of no consequence whatsoever, except that it is a slippery slope to undoing the basis of parliamentary democracy, namely, that members of the Legislature are elected as members and are free to do what their conscience demands of them as members.

Now, that does not mean that they do not sometimes, indeed, often, gain their election through a political party, but it does mean that, on any question involving the question before the House on division, they are entitled to vote yea or nay. That is fundamental, and this kind of legislation makes you a little bit pregnant.

For instance, the legislation talks about being elected with the endorsement of a political party. May I indicate that political parties were, in their

origin, not part of The Legislative Assembly Act at all. Indeed, they are still not defined in The Legislative Assembly Act. Their definition comes in other acts which deal with financing.

* (18:10)

A caucus is not a parliamentary formal procedure; caucuses take place at sewing circles. They take place in every institution which has a board of directors or a group that are making decisions. A caucus is simply an informal meeting of people which discusses strategy in order to achieve certain ends. Caucus is not defined in The Legislative Assembly Act, and when you say that a person ceases to be a member of a caucus, what does that mean? Does that mean, for instance, that he can no longer vote with the caucus which he has left, or that he cannot vote against the caucus that he has left or the party that he has left? Does it mean, for instance, that he cannot go to the other parties' caucus? Are you then going to extend it? You cannot go to dinner with members of the other party. Are you going to put a sergeant-at-arms at the doors of the Progressive Conservative caucus to see that the person who has left the New Democratic Party does not walk into that room?

If you are not, then what does it mean, that he "ceases to belong to the caucus"? The legislation does not say, "ceases to belong to the party." It says, "ceases to belong to the caucus." What if he is kicked out and wants to go into another caucus, so the Speaker will treat him as an independent? What consequence is that? If you are a backbencher, the Speaker recognizes you only when he wishes to, in any event. So, with legislation, one of the best rules of legislation is you do not legislate unless you have to. There is no need for this legislation.

Mr. Chairman, the other purpose of legislation is that legislation is enacted in order to accomplish something. What does this legislation accomplish? Nothing. The member continues to be a member. He continues to vote as he wishes to. He can vote for the position of the caucus that he left, or he can vote for the position of the caucus that he is forbidden to join. What consequence is it? If a person is a member of a caucus and does not leave the caucus, stays in it but votes against them on every occasion, is that a better situation? Would you like to have the spy inside—or outside? It does not make sense.

Furthermore, it is against all parliamentary tradition. You all know that Churchill switched twice, and it is a good thing he did because, if he had

not done so, he might not have been a member of the Conservative Party when he took over the government in 1939 and probably saved the world.

The New Democratic Party would not have been in power if we did not co-opt a Liberal to vote with us in 1969. This is one of the traditions of Parliament. It is there for two reasons: it is there so that a person will be satisfied in the group that he is with, and that a person can change their minds.

I am going to give you a hypothetical: in the next election, Mr. Doer—and I am not hoping for this, by the way, but I will throw it out as a possibility—gets 28 seats. Mr. Lamoureux is elected. He is the only Liberal, or one of two elected, and Mr. Lamoureux approaches Mr. Doer and says: I am tired of being in the wilderness. I have been a member of the Legislature all of these years; I think I would like to be in a party where I can do something, and you are the party that can form a government with one more seat. Can I join your party? Mr. Doer will either take him or else he is a liar and a fool, or both. The same thing is true of Mr. McFadyen. Let us say they both got 28 seats and Lamoureux got one. Are you suggesting that Lamoureux, who was endorsed into legislation by the party, cannot join either caucus?

Mr. Chairman, gentlemen, I am not here with a thought that I am going to prevent this legislation, because if determined people with a majority are willing to pass it, in spite of the fact that it is stupid, they can also pass a law that water will run uphill. Are you aware that the Legislature is empowered to pass a law that water will run uphill? But it will still run downhill.

The fact is this legislation arose out of an incident which is completely normal in parliamentary procedure. It disgusted some people. Some people are likely to vote against the person who did it, although, for whatever reason I do not know, they voted for Belinda Stronach, who did it, too. That is the ultimate decision.

The ultimate decision is made by the electorate and, fundamentally, no laws should be passed recognizing political parties, recognizing caucuses, recognizing all those things which have grown up for 300 years and done well without legislation. The very fact that they are sound is that they were achieved without any legislation whatsoever. Political parties were formed because a number of people elected to the House of Commons in Britain decided that if they got together they could pursue

common objectives, and the other people got together and said, we will oppose them. Within that realm, there were numerous occasions when people decided that they could not support the political parties of which they were a member of its caucus.

Benjamin Disraeli undid his own Prime Minister and subsequently became Prime Minister, and the examples are numerous. But the method of achieving what is stated in this legislation, if you are going to enforce it, means that if somebody left the New Democratic Party caucus, or somebody left the Conservative caucus and saw the light, saw that the new democracy is where he really belongs, Mr. Doer and his caucus would bar him entry. In order to enforce it, they would have the Sergeant-at-Arms standing outside their door saying, you cannot come in here because you were not elected or endorsed as a New Democrat.

It is stupid legislation.

Mr. Chairperson: Thank you, Mr. Green, for your presentation.

Any questions of the presenter by committee members?

Mr. Kevin Lamoureux (Inkster): Mr. Green, I would be interested in knowing what your opinion is on fixed election dates, if you do not mind.

Mr. Green: If you are asking me that—by the way, I am only speaking to 22, but I like the system as it is. If I was premier, and I wanted to be at one time, I would want the right to call elections for two reasons. Not because it is going to win at that time, but I need it to control some of my unruly caucus members. Yes, I would want to. I believe in the parliamentary system, and I believe that that system is a better system. Mr. Harper wants to do that. I say that he is wrong. He is wrong, and ultimately he will find out that he is wrong.

Mr. David Faurschou (Portage la Prairie): Thank you very much, Mr. Green, for your presentation.

Proportional representation is not addressed here in this format.

* (18:20)

Mr. Green: Proportional representation, I believe in power. I believe that a party should seek power because it wants to do good things, and it cannot do good things if the electorate is so divided into numerous parties that you cannot govern. They have that in Israel. They have had it since 1948. They had

never had a government with power, and they have had to make stupid concessions in order to be able to govern the country. Proportional representation is for losers. It is for the New Democrats. They are the ones who screamed that they want it. It is because they cannot get power, and they want—*[interjection]*

Well, you know, Mr. Chairman, Mr. Doer claims he has power; I do not see it. I know that Mackenzie King used to say that the NDP, or CCF at the time, are Liberals in a hurry. The New Democratic Party of Manitoba are Liberals in no hurry.

Mr. Faurschou: There is discussion in the bill as it pertains to the Senate. The Manitoba constitution still provides for an upper chamber, the Legislative Council. I would be interested in your thoughts of the abolition, if you will, of the upper chamber in our history, and whether the merit was there for that action, or whether there constitutes some reasoning to have it still in our constitution.

Mr. Green: I do not believe in an upper chamber, which inhibits the power of the elected representatives of the people to govern. I do not believe in a Charter of Rights, which inhibits the power of the elected representatives of the people to govern. I do not believe in government by nine judges who are unappointed and, in many cases, are defeated politicians. I prefer to be governed by elected politicians, even though I do not like those that are here now. I still believe in the system.

Mr. Hugh McFadyen (Leader of the Official Opposition): Thank you, Mr. Green, for the presentation.

You will know that the impetus for the provision in this legislation arises from public outrage over decisions on the part of federally elected people who crossed the floor, shortly after being elected, running for one party, in order to go and sit in Cabinet.

One idea which has been brought forward and which I have some attraction to is the notion of permitting members to cross the floor, but not to sit in Cabinet until they have been elected under the banner of the party that is in government. I would be interested in your reaction to that proposal.

Mr. Green: I agree with your suggestion. As a matter of fact, when I was talking about Mr. Lamoureux being the 29th member, I assumed I was talking about a future Cabinet minister, that it would be unthinkable for a group with 28 seats, needing a 29th, and not having a novice. By the way, Mr. McFadyen, you have 28 seats. Mr. Lamoureux could

make you the government. You will talk about giving him a Cabinet post. You are sure to do it. Otherwise, as I said before, you are either a liar, or a fool, or both.

Mr. Chairperson: Any further questions? I believe time has expired. Thank you very much, Mr. Green, for coming out this evening, and for your presentation, sir.

Mr. Green: Thank you.

Mr. Chairperson: The next presenter we have on the list is Roy McPhail.

Mr. McPhail, good evening, sir. Welcome. Do you have a written presentation for the committee members?

Mr. Roy McPhail (Private Citizen): No, I do not.

Mr. Chairperson: Well, you may proceed when you are ready, sir.

Mr. McPhail: I would like to thank you for giving me the opportunity to speak to this Bill 22, I believe it is. I am wanting to zero-in on clause 29, which is—I can read it out for those who do not want to flip to it.

Public information and education

29 The chief electoral officer may at any time

(a) provide the public with information about the electoral process, the right to vote, the right to be a candidate and the operation of this Act; and

(b) implement public education and information programs to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights.

So that is the detailed clause that I would like to speak to. I researched the existing act to find out what it said up until now. I think that the major intent change from the previous one is the inclusion of an encouragement for groups experiencing difficulties in exercising their democratic rights. Other than that, I do not see a lot of change in that clause for the Chief Electoral Officer.

My thoughts on a role for the Chief Electoral Officer are broader than is currently envisaged, so that is what I want to speak to. I thought deeply about what we can do to build what is already a very leading-edge democracy in Manitoba. I am very proud to be a citizen of Manitoba and to be able to participate here. I think we are at or near the cutting edge of democratic tradition, and I think we take so

much for granted about that. I look around the world and I see people dying for what we take for granted. So here we are again visiting our legislation and saying, yes, I think generally our system works and the people participate. How can we make it better?

To my mind, further empowering the Chief Electoral Officer the right way is a good way to build our democratic systems. The process, as it is now with the competitive nature of the partisans, means that each time the electorate are engaged, they are engaged in quite a negative process. It is, I think, next to impossible to take the negativity out of that process. So I think that the long-term trend when the negativity exists each time we engage the electorate has a lot to do with the rise of cynicism because it becomes necessary for the politicians to cater to that negativity and to build on it if they are going to gain votes. They gain votes in the short term, but, in the long term, it erodes the good will between the elected people and the electorate. That erosion is evident in voter participation and general participation in the democratic process.

Who in our system can stand back from that fray and, in a non-partisan way, say, do not take the system for granted, get involved, not just voting, but out there with your politicians and building the system even better than it is? The only agency that I can think of to have that role is Elections Manitoba. Now they put goals and missions on their Web site. I have gone through it and they are admirable. They certainly fall within their terms of reference and perhaps stretch it slightly in the direction in which I would see them go.

For instance, a corporate goal for Elections Manitoba is "to maintain a state a readiness to serve the public consistently and with integrity and excellence." Further down we see a mission "to be innovative and to promote improvements to the electoral process." So here we have an agency which, I think, has seen a need, and I would like the committee to look at that clause and say how we can further empower this non-partisan agency so that we resist the negativity of the partisan system and allow them to be affirming. They already spend all the money during elections. We all see the full-page ads that say, here is where you should vote. I see so much more that they could be doing.

* (18:30)

I imagine that agency as the primary marketers of democracy so that, in general terms, is the tone and substance of my presentation. I encourage the

committee to frame that into the appropriate language and to build on what is already, I think, generally, a good bill.

Mr. Chairperson: Thank you, Mr. McPhail. Any questions of the presenter from committee members?

Seeing none, thank you, Mr. McPhail, for coming out this evening, and for your presentation.

Are there any additional members of the public that may wish to make a presentation on this bill this evening?

For the last time, are there any additional members of the public who wish to make a presentation on Bill 22 here this evening, The Elections Reform Act?

Seeing no further presenters, that will conclude public presentations.

We will now proceed to clause by clause of Bill 22.

Does the minister responsible for Bill 22 have an opening statement?

Hon. Gary Doer (Premier): Yes, I am sure members will have some advice as we proceed. Just by way of recommendations from the Chief Electoral Officer, the majority of the recommendations are contained within the act that is before the Legislature. We are going to propose an amendment dealing with the liability of the new commissioner's office, consistent with the liability protections under The Election Finances Act, as a recommendation from the Chief Electoral Officer, and we are going to propose a consistent language for professional fundraisers that has also been delineated by the Chief Electoral Officer. So those amendments will be made, but I am sure there will be debate on other parts of the bill as we proceed. I just wanted to give everybody a heads-up.

Mr. Chairperson: I thank the Premier for the opening statement.

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

Mr. Hugh McFadyen (Leader of the Official Opposition): Thank you, Mr. Chairman. Just a brief statement.

As I have indicated in the House previously, we support many of the provisions in this bill: the provisions relating to child care; obviously, the establishment of the committee to deal with Senate

reform proposals from the Manitoba perspective. We think it is time to move beyond that by way of comment, moving beyond the scope of the bill, but move beyond the issue of Senate reform to other democratic reforms to better suit the needs of Manitobans, particularly related to set election dates and other proposals. So those are things beyond the scope of the bill and points on which we will have further debate outside of this committee.

The points dealing with transparency and a number of other issues that are here arising from recommendations made by the Chief Electoral Officer are things that we do support. We also support the principle of putting up some barriers to floor crossing, which we think adds great cynicism to the electoral process when it is done. We note the provision that is proposed in this bill, and have no amendment to propose with respect to that. So I will leave it at that.

We will have one amendment to propose with respect to clause 141, I believe it is, under Part B, relating to advertising during election periods—I am sorry; clause 24 under Part B. That is the one amendment that we have to propose. My understanding is there is some discussion that has gone on between staff in the Premier's office and my office, and so we will just wait to be briefed by staff and see if there may be another amendment coming forward by the Premier with respect to the clause in question.

Beyond that, I have no further comments. I know members of my party have questions on particular items, which we will save for the appropriate time in the proceedings tonight. Thank you, Mr. Chairman.

Mr. Doer: Yes; we are working on the Crown corporation advertising issue. So, obviously, we feel the wording strengthens where we were at before. The intent of the legislation is to be very, very clear about any kind of overlap of Crown corporation advertising; so we are looking at wording. I know your staff and our staff are looking at some wording to tighten it up. We are also consulting with the Chief Electoral Officer as well, who developed some of the wording, well, 99 percent of the wording in this act. I give him full credit for that.

Our goal was to make it tighter. If it requires an abundance of parameters around it to enshrine that principle with more certainty, we have no difficulty with that. I will be working on an amendment as well.

Mr. Chairperson: We thank the Leader of the Official Opposition for the opening statement.

We will now proceed. During the consideration of a bill, the table of contents, preambles, enacting clauses and the title are postponed until all other clauses have been considered in their proper order. Due to the size and structure of this bill, the Chair would like to propose the following order of consideration for the committee's consideration. For your reference, we will provide copies of this outline for committee members, if you would like.

With the understanding that we may stop at any point where members have questions or wish to propose amendments, I propose that we call the bill in the following order: Schedule A, pages 3 through 120, clauses called in blocks conforming to pages; Schedule B, pages 121 through 150, clauses called in blocks conforming to pages; Schedule C, pages 151 through 153, clauses called in blocks conforming to pages; Schedule D, pages 154 through 156, clauses called in blocks conforming to pages; Schedule E, pages 157 and 158, clauses called in blocks conforming to pages again; Schedule F, page 159 of the bill, clauses called in a block conforming to the page; the table of contents for Schedule A, pages in Roman numerals I through VIII; then the preamble for Schedule D, page 154; then the enacting clause for Schedule D, page 155; then the other enacting clauses, pages 1 and 2; and then the main enacting clause, page 1, followed by the bill title.

I know that is long.

Mr. Kelvin Goertzen (Steinbach): I think there is agreement in terms of what you outline in terms of the passage of the bill that might make things go more smoothly. Also, in that same regard in terms of making the issue move more quickly to resolution, I think there are some questions that might come from members of this committee, perhaps both sides of the committee, in a more general nature regarding electoral reform or issues that might cross over different sections.

I wonder if the Premier might be willing to take questions of a general nature first, and then we can move forward through the clause-by-clause section, probably pretty quickly after that.

Mr. Doer: Whatever the will of the committee is, subject to good questions.

Mr. Chairperson: So we are agreed that we will have general discussions at the beginning, and then

we will proceed as I have indicated to committee members. Is that agreed? *[Agreed]* Thank you.

We will start with questions first.

Mr. Ron Schuler (Springfield): I want to beg the indulgence of the committee. Perhaps the Premier can think back in time. In early December, the Progressive Conservative Party called a leadership convention, at which time the rules were laid out and it was made clear that candidates were allowed to run. They, however, had to comply with all provincial legislation, but were given no opportunity to issue tax receipts.

So, for instance, the \$3,000 per individual still stood. No corporate donations. All donations in kind had to be receipted as part of the person's \$3,000, and so on.

* (18:40)

I did have the opportunity to speak with the Premier. I spoke to him in the House. He was just leaving and I brought it to his attention. He even indicated to me that, clearly, that was not the intention of the legislation in 2000. Basically, what happened is the legislation was such that it created a situation where leadership candidates, and it is purely a wording difficulty, would not be allowed to issue tax receipts. He indicated that he would look into it, which he did. However, it was a short session, and, understanding, of course, that schedules are very tight, he did not have the time to really, at that point in time, come forward with legislation, but had indicated perhaps we could look at something and make it retroactive to January 1, 2006.

I am wondering if the Premier could tell us, has that issue been resolved with this legislation?

Mr. Doer: No, it does not deal with that issue, No. 1. Number two, it was my belief, subsequent to the question raised, that to change the rules of leadership races in midterm, mid-race, was, I think, not appropriate. I think we also delayed the laws dealing with election races. We delayed it because there was a leadership race in 2000 as well. So we delayed bringing in the act until after. We amended the legislation; then we amended it again. One of the principles we argued then is it was not fair to any political party to have a leadership race with laws changing in midterm. For example, the whole issue of transparency that is now in the act, we certainly wanted to bring it in, but we did not want to prejudice a race that had already begun.

I think there may be other questions about election finances and leadership finances. I do believe that there are concerns raised by all political parties. I will try to gauge the level of those concerns here today. I believe this act serves for all of us. Most of the recommendations come into this act from the Chief Electoral Officer, and the advisory committee that works for the existing political parties. So I have an open mind on your issue and other issues, and I will try to listen and feel, see where we are going in terms of those kinds of issues, based on feedback I have got from other members.

I would point out, when people were raising the issue of electors, and it was our party and your party and other parties talking about it in rural northern Manitoba, that is when we agreed to change it. The Member for Carman (Mr. Rocan) had a private member's resolution, but it was not necessary to bring it in.

I do believe this act, within reason, is supposed to operate for all of us, and I do not believe this is one of these "government bills," that it is all our way or the highway. I believe most of the stuff in the act is really material that is a body of work.

The answer to the question is there is nothing in here. I think it is wrong. The reporting period for a leadership race, I believe, starts after the leadership is confirmed for a political party. There are requirements now to disclose those donations. So we are already under an existing leadership race, but any issues that are raised on financing, financial treatment, other things, I am certainly willing to listen to that at committee. I know your views on it.

Mr. Schuler: Then I would ask, and, again, of course, this is very personal, being one of the candidates who ran. I am sure this comes as a surprise to everybody at the committee, or not: leadership campaigns are very expensive. It was no problem raising a lot of money until you indicated to individuals: "and that would be after tax dollars." I think it came as a surprise, not just to legislators, but it came as an absolute shock when you went door-to-door and said: Listen, I believe in this province. I have a message that I want to take out there. That, however, does involve money. Would you help, but it is after tax dollars.

I do not expect the electoral officer to even find this on his radar screen. Certainly, he is never going to contest the leadership, not that I know of, and neither will the advisory committee. It is, however, individuals who decide to get into this that find out,

for instance, the legislation makes it very clear; it has to be fair market value. So you cannot go and cut a really good deal on something. There are a lot of provisions in the legislation which make it so difficult. Then to say, oh, and, by the way, it has to be after tax dollars.

I would say to this Premier, basically, it is to the point where you incur costs but you cannot raise money. I mean, I think I have beaten my family up enough to the point, and they are all out a chunk of money. After this, really, when you go to individuals—I will not name names here—they say to me, you are kidding. Absolutely, you must be kidding. You want up to \$3,000 an individual after tax dollars.

Frankly, I would say to this committee and to the Premier, it actually diminishes all of us, because why would you do that to yourself. That is the question that is posed.

I would say to the Premier, my esteemed colleague who succeeded in the race will find it perhaps easier to raise money to backfill the expenses incurred. I am sure he is finding that the bills are still coming in, with absolute shock and horror at how much this really cost. It is even far more difficult to raise money when you are in my position.

I am just wondering if there is will at the committee and on behalf of the Premier to make an amendment to allow that to happen. It is a problem. It is difficult for individuals to say, yes, I am prepared to put my name forward, because it costs money if you want to run any kind of a campaign. Yet, it does not matter where you turn, you are hamstrung.

The Premier might know this, may not know this. You can get your phones installed tomorrow for an extra hundred bucks a phone, or you can wait two weeks, in which case I made my announcement March 1, which would have put me somewhere in the middle of March, and the membership cut-off was the end of March. I had no choice. I went and I paid over a thousand dollars extra for a hundred dollars a phone just to have my phones installed the next day. That is the way it goes. Everything costs you a lot extra because there is a very tight time frame.

The other provision is, from what we understand in the legislation, leadership candidates have two months after the leadership to file. I would point out

to this committee I still have not received all the bills yet. Depending on billing dates, we will not get the rest of the bills until the middle of this month. So I do not even know how much money I have to raise. There are a lot of problems with this. Again, Mr. Chairman, I am suggesting to this committee that perhaps consideration be given tonight that clarification be given. I do not believe there ever was the intent to take that away from leadership candidates. It is just the way the wording was. There was a certain wording, new legislation came in, and there was a difficulty with it.

I read through the legislation and they talk about that you have a certain amount of time to raise money. My question is: What if you do not? What happens? I get arrested? Other than my Visa bill just compounding interest, if you cannot raise the money because the legislation is so restrictive, what do you do? Yet we want healthy democracy. We want competitive leaderships. I am sure some day the New Democratic Party will want that as well. You have to live by all the laws of the land, yet not one benefit is given in that you can give a tax receipt.

Mr. Doer: Just on a couple of facts. My recollection is it is 30 days. The disclosure period for transparency purposes is 60 days, after 30 days of the leadership conclusion. So it is really 90 days; 30 days to get the bills and 30 days to collect the money. I have gone through a leadership race too. I understand how difficult it is. I would suggest to the member, do not spend any money until you have the money raised, but that is just the advice I would give you. Secondly—

An Honourable Member: A little late.

An Honourable Member: . . . government rebate that.

Mr. Doer: Government rebate, no.

An Honourable Member: A little late advice.

* (18:50)

Mr. Doer: Late advice. Certainly, I will look at this, but I would not propose to amend the bill retroactively. I think it would be unfair to other parties. I am not even sure. I cannot even answer the question. I would want to do more research. (a) Is that the position of the Conservative Party? (b) What are the federal Liberals doing right now? Are they issuing tax receipts? Can they issue tax receipts? So I would like to do a little more homework on it. But

the answer to your question is it is not in the bill, and I am not proposing it be in the bill.

Mr. Schuler: So is it the position of the Premier that even with unanimous agreement of the Legislature, of all parties, that the Premier is still not willing to entertain that that be done retroactive to January 1, 2006?

Mr. Doer: I am not recommending it in the bill, amending it. I will look at it for future leaderships. I am willing to look at all of these issues on an all-party basis, and I am willing to look at that provision in an all-party way. I would like to do more homework on it.

But I try not to change—one of the reasons why we did not change the law to require full transparency in 2000, was it was unfair. We were bringing in a law in the spring of 2000. It was unfair to a leadership race that already was in existence. Now, the fact that nobody ran in 2000 was a peculiar part of democracy, but, at that point, we had anticipated that there would be a leadership race, and we thought it was extremely unfair to the rumoured candidates that we should change the law in mid-term. So I would personally want to be consistent.

Mr. Schuler: Again, it does leave the perception, Mr. Premier, that the legislation is punitive, until such time as it looks like the party in power might be facing a leadership campaign, at which time, then, the rules will change. It looks very convenient. I would suggest to the committee that the perception is such, and it looks like, when the governing party might face a leadership convention in the near future, all of a sudden, the rules will change.

Again, I will say to the Premier, it is very difficult to raise money. It is easier to say, do not spend what you do not have. Back at you, Mr. Premier.

It is important to have a race, and the Premier says, in 2000 it was a peculiar moment in political history that nobody ran. Actually, somebody did run, and there was a second person who decided to withdraw. That was even under the old rules where you could still issue a tax receipt. Even then it was seen as a tough thing to raise money to run a leadership campaign. Again, it bodes poorly for those of us who decided to take on this move, and I think it is unfortunate for those of us who did run. Again, I say to the committee it really looks self-serving, and I am sure that is not what it is intended to look like. But that is what it looks like.

Mr. Doer: No, that is fair enough. I think that all of these questions on financing, I am going to bank them over time. I am just trying to listen to all the members of the committee. I appreciate your views.

Mr. Leonard Derkach (Russell): I have several questions. The first question, Mr. Chairperson, has to do with voting stations and places. From past experience in rural areas, this has been a real problem. I think that has been addressed by some other members here, but, basically, the problem is distance of travel to polling stations. The issue does not seem to be one that returning officers like to change. We have had situations where voters have had to drive as much as 70 kilometres and more to a polling station, when, in fact, there were other polling stations that were much closer to them. But, unfortunately, they were in the next ward or the next area.

When I look at this, Mr. Chairperson, the act simply says a voting station must be located in a voting place that is in a convenient location for a majority of the voters in the voting area. That is so broad and so vague that there is really no definition to this in terms of forcing the returning officer to establish a voting station so that it is convenient for people who have to travel, and for the elderly, and those who are either partially or completely disabled.

Mr. Doer: Well, the returning officers are now appointed by the Chief Electoral Officer. We removed the right of Cabinet to appoint returning officers in constituencies. It was a recommendation made from 1988 to 1999, and we changed that in the year 2000. We are hoping, and we think that the Chief Electoral Officer is appointing people on the basis of merit, and making decisions, hopefully, consistent with the goal of voter participation.

I think it frustrates all of us to see a demarcation line on a polling station that appears to be opposite the public interest of voting. I know examples myself in the last election where we were a bit frustrated, and I know that you are from time to time and other people are.

We have changed the definition of electors for rural and northern ridings. We have changed the definition and promotion of turnout, and we have also, in tandem with the change in 2000 to remove Cabinet's right to appoint the returning officers—but the Chief Electoral Officer is here. The returning officers report to him. They are trained by him. They are hired by him, trained by his office. I know Mr. Balasko and his staff are here, and they are listening

because I think they want to reflect the view of the Legislature, probably would want us to give them more money to implement your recommendation. I understand that is part and parcel of it.

Mr. Derkach: Well, I am not suggesting that that should be returned back to the Cabinet table or anything of that nature. I know that the Chief Electoral Officer is here and is listening. However, things are forgotten quickly, and my position is that, if we are rewriting the act, why can we not be more specific in terms of location of voting places. Secondly, why do we not give the opportunity to the public who are living in a particular voting area, an opportunity to appeal a decision that is made with respect to a voting station?

I think that people want fairness, and that is all they are seeking. If we can be a little more explicit or at least allow for an appeal, that, I think, would go a long way to giving the public the ability to voice their concerns when, in fact, a voting station is located in a bizarre location as we have seen in the past.

Mr. Doer: Well, again, we changed the returning officers to be non-partisan, or not Cabinet appointed, No. 1. Number two, we have reduced the number of electors in rural and northern ridings. I think we have gone from 400 to 250. Number three, I believe there is wording in the act that allows for the advisory committees of the parties to provide advice to the returning officers on location of polling stations.

So I think part of what you are suggesting has been amended in there. Let me find the section here. The Chief Electoral may call meetings of the advisory committee from time to time to seek the committee's advice about proper administration of this act, including the appropriate location of voting places. Now, you will argue that the word "may" should be "shall," but, if I can get—because now I am just thinking out loud.

I have a nod from the Chief Electoral Officer. He will call meetings of our advisory committees to make sure that that happens. The reason why it was put in the act, recommended by the Chief Electoral Officer, is because he did listen to us. Particularly, I think, in the '04 committee, we had a long debate about voting locations and electors, and the Member for Carman (Mr. Rocan) prepared a private members' bill on the size of electorals necessary for polling stations. So that is certainly the intent, and I give you our commitment to do that.

* (19:00)

Mr. Derkach: Intent is all fine and dandy.

My question is: Would the Premier, because this is his legislation, be prepared for an amendment to change "may" to "shall"?

Mr. Doer: I have no difficulty with that.

This is supposed to be a listening committee, but I looked at the Chief Electoral Officer and he gave me the nod.

Mr. Derkach: So you will be making an amendment, Mr. Premier?

Mr. Doer: I will make that amendment, yes. The Member for Russell, I will make that amendment, and I thank you for that advice.

Mr. Derkach: I thank the Premier for that, Mr. Chair.

I have another issue and that goes to The Electoral Divisions Amendment Act. For a long time, I am sure the Premier, too, has listened to the pleas of people in rural areas to have greater representation on the membership of the electoral divisions commission. When I look at the list that is before us, I see that we have the Chief Justice of Manitoba, the president of each of the following universities: the University of Manitoba, Brandon University, the University College of the North, and the Chief Electoral Officer.

Most of these people, Mr. Chair, are urban inhabitants and urban people, with the exception, I guess, of the University College of the North, which would be Thompson, which is still fairly urban in terms of Manitoba's landscape.

There has been, and have been petitions from the Association of Manitoba Municipalities that, in order to create some fairness, and perhaps a rural view, if you like, and to better reflect, as my colleague says, the realities of rural Manitoba, we should have a representative or perhaps even the president of the Association of Manitoba Municipalities, as well, on this commission. I say this because we have watched how boundaries have been drawn in the past, and I think this has happened right through the province. This is not particular to my area, but we have seen it happen in other areas, as well, where boundaries are placed in bizarre places because they are simply done off a map, without people having a good knowledge of what a particular area is like.

The Association of Manitoba Municipalities, I would submit, either through their president or the CEO of that organization, has a fairly good knowledge of the landscape and the demographics of the province. To better reflect Manitoba's make-up, I would suggest that there should be another addition to this commission, and that is from the Association of Manitoba Municipalities, whether it is their president or whether it is, in fact, their chief executive officer.

Mr. Doer: Certainly, I believe it was Mr. Downey who, years ago, talked about adding two members to the boundary commission, and nothing happened. I remember him giving a pretty passionate speech that never was followed up by representatives in rural and northern Manitoba. The Liberals in the early fifties passed very good legislation on the electoral boundaries of Manitoba, D.L. Campbell. If you go back in the Hansard and read it, he was very clear about having institutional positions that would not be involved in partisan politics. For example, he kept it away from, say, a mayor of a community, or an elected person of the community. He kept it to the judge, the chief electoral officer and the president of the University of Manitoba, at the time.

The criticism of that was there was a perception that, and part of it is population changes, but the wording in the act allows for flexibility on the establishment of boundaries. There was the feeling that it would be helpful to have somebody from rural Manitoba institutionally in the act, and somebody from northern Manitoba, so we chose these positions based on the model of the University of Manitoba. Now you have, for example, Brandon University, the rural institute, so I actually think they have better information, not better than, obviously, the chief electoral officer or Stats Canada with the census, but there is a lot of material available in the rural institute at Brandon University. I think you obviously were involved, you and Leonard Harapiak were involved in establishing it. You both claim it, so I will give you both credit. Then, of course, we announced that you paid for it. So then, of course, what do you do with the University of Manitoba? We think that this is a good balance.

Now, I actually know of many times where the boundary commission—the report provides for predictable timing. Remember the issue of running on two different boundaries in '99? You might have actually known what boundaries you were running on, but we sure did not. You probably enjoyed our discomfort. Having said that, we thought, rightly so,

that we should have—we know the census is '06. We know the material will be gathered in '07. We know that the proposed boundaries will be available for public hearings and can be amended. So two other parts are, obviously—the boundary commission has made good recommendations in the past based on public hearings. Then the other criticism is, can the Legislature overturn that decision of the electoral boundaries? I think this gives the paramount seat to the independent process a little more weight.

We have in relative terms, I think we have a very good boundary commission re-adjustment. There is no such thing as perfection, and I think for those of us who know about rural ridings and their numbers, and the northern ridings and the count, it presents a problem, but we believe that the institutional positions that are there and the timing of these things, plus the public hearings, will be free of partisan politics, if you will. The position of a president at the University of Manitoba has been perceived in the boundary commission reports before as an individual who has tried to bring the best meritorious work to the tough job of setting boundaries.

But I think that the advantage of the Campbell proposal is that the government of the day does not name the boundary commission. I do not name—*[interjection]* I beg your pardon? *[interjection]* I agree. I do not name somebody that is perceived to be close to our party. We do not have a situation where even political scientists say, I would have named Allen Mills 10 years ago. I think he ran for the Liberal Party recently.

So we do not do that in Manitoba. In the federal system, they actually have a lot more discretion on who they announce. It is not in the act as institutional positions, so we do not know who is going to be the president of these facilities. I think that this was the best attempt we have.

I am told that a lot of the information is driven by a debate about, is it individual, is it the population that determines the boundaries? The act also talks about rural ridings and northern ridings, and how do you balance off population with distance? I found the boundaries have been adjusted at the public hearing stage quite often, sometimes not to our personal liking as a political party, but we have a good process here. We are trying to build upon something that has worked, and worked quite well. So we are just adding two institutional positions to three institutional positions. We do not want a tie vote. We

want to keep it as an odd numbers, if I can use that terminology.

Mr. Derkach: I guess my argument, for lack of better word, Mr. Chairman, is that there have been occasions in the past where a university president has just recently been named, and that university president comes from another part of the country and does not happen to have an in-depth knowledge about the province or the electoral boundaries. Then those people do make decisions that affect all of us. It is for that reason that I would submit—if you want to call the AMM an institution in this province, I guess we can, and have its president there, who we know is a Manitoban, who we know does have the interest of this province at heart, and who would probably be as unbiased in the process of drawing electoral boundaries as any of the presidents of the universities would. So my argument I am not prepared to abandon. I simply would ask that that perhaps be given some consideration in terms of an amendment.

* (19:10)

The other part of it, Mr. Chair, is the issue of an appeal. Now, I know that an electoral division, as it has been in the past, does go out for comment, and there could be representation made. But, once the decision is made, I am not of the knowledge that the decision can be appealed. I guess my question is, is there a point in time when a decision of the electoral commission can be appealed by an electoral division of the province, or a community, or people within an electoral division?

Mr. Doer: Well, right now the legislation provides that the Legislature can't overrule the boundary commission report. I think that that, in my view, leaves it open to potential abuse, even though there has never been a potential abuse in the past. But I think it is important. You know, in this Legislature, we are trying to get away from having the ultimate decision on matters of personal interest as a principle in the Legislature, i.e., the salaries a year ago. We are trying to get away from having a vested interest, i.e., the Legislature overrule a non-vested interest body, even though the Legislature has not overruled it. So my view is that this was one of the weaknesses, and the principle—just like we have had the Legislature removed and Cabinet removed from appointing chief returning officers.

We are trying to get more of the stuff outside of the perceived authority of the Legislature and the actual legislative authority of the Legislature, and

over to a binding body after an appeal process, i.e., public hearing process. So right now, you could get a majority. I mean, right now, the legislation requires the Legislature to approve the final report of the boundary commission. The Chief Electoral Officer is on that commission. So I think that this is much more consistent with where this Legislature is heading on matters that deal with their own "personal interests."

Mr. Derkach: I guess we could spend a lot of time arguing that point, but I accept the fact that we are trying to make this as independent a process as possible. But I feel that, in any decision, whether it is made by a commission or whoever it is made, the public of Manitoba, the people who we are representing should have the opportunity of appeal if there is a strong enough case to be made for it. The appeal that they will be making should come before the people that they have put into a position of authority.

The last question I have, Mr. Chair, has to do with electoral division names. We know how difficult it is to change the name of an electoral division, whether it is my constituency, or a constituency for that matter, whether it is mine or anyone else's. Is there anywhere in this legislation where a majority of the people of a constituency can petition to change the name of a constituency?

Mr. Doer: The majority of people can be heard, but they cannot—in the legislation, it does not provide for them to change it. Let me give you an example. You would not want the majority of people to overrule, say, Dauphin overrule, or take Roblin out, not that they would ever do that, unless they lost the hockey game or something. So there is no majority rule in there because sometimes the boundaries reflect the geographic culture, et cetera. But I think Elections Manitoba has listened, and the Chief Electoral Officer and the committee have listened on the boundaries. I hear problems from time to time about boundaries. I also see MLAs sometimes try to move amendments to make sure that every nook and cranny of their riding is covered, and send back a mailer to their constituents, which is fine, but I do believe that it is difficult to name something. But, no, the answer to your question, no, it does not provide for an override from the majority.

Mr. Derkach: That was supposed to be my last question, but I do have an appeal on this one, Mr. Chair. To the Premier: For some of us, it makes it difficult because the name of a town is chosen as the

name of a constituency. When you are living outside the perimeter of Winnipeg, you might be representing, as in my case, more than 20 small villages and towns. To have one of those towns chosen as the name for the constituency creates a bit of local tension, and creates a bit of competition, yes, in a sense, but that is when I think the call comes for us to look at names that are somewhat impartial, that are not one single community in a larger area. I also feel that, in this case, there should be a mechanism for either the MLA for the region, or for that division to come forward and even recommend to the Boundaries Commission the need for a change in name.

Mr. Doer: I understand your point.

Mr. Kevin Lamoureux (Inkster): Mr. Chair, I did have a number of questions that I wanted to be able to ask. What I will do is kind of highlight a few points and then just focus in one area, and then see how the discussion goes for this evening. I might then just kind of pick up on a few of the points.

First and foremost, I thought that this is a piece of legislation that could have very easily been four pieces of legislation. I think that there is some good, there is some bad, and there are some lost opportunities in this legislation. I did get the opportunity to speak on the bill in second reading. I do not know if someone from the Premier's office had a chance to read it. I will just quickly kind of highlight a couple of those concerns.

When I talk about good, there are a number of recommendations that it includes. Issues like advance polling, I think, are a positive thing. Enabling Elections Manitoba to promote and educate is a positive thing.

When I think of some of the bad things that are inside this legislation, one of the presenters made reference to floor crossing. I believe that is a bad thing, that the Premier is, indeed, making a mistake with that issue. If the Premier is concerned about the integrity of MLAs by walking the floor or whatever else it might be, I would suggest—because integrity goes beyond just walking the floor. It could be other issues, a reflection on the competency of a minister or a backbencher dealing with other issues. I would have preferred the next step, as opposed to walking the floor or making it illegal to walk the floor, allow for MLAs to be recalled. I think that would have made it better legislation. B.C. is a good example for that where it has been successful.

When I think in terms of the advertising, the Leader of the Conservative Party has made reference that he might be moving an amendment in that area, and I will wait and see in terms of what happens there.

Suffice to say, I am concerned with regard to Crown corporations. I think that there are lost opportunities.

Fixed election dates. There are other provinces that have moved toward fixed election dates. Now Ottawa has recognized the value of a fixed election date. His own federal leader had advocated for fixing the election dates. I think the time has come. You have got two political entities inside the Legislature that have already agreed with the idea of fixed election dates. It would be wonderful to see the Premier acknowledge that need and move an amendment.

* (19:20)

I would go as far as to say the next provincial election should be in the fall of 2007. The reason why I say the fall of 2007 is because I think it is in keeping with having elections in the fall time, and it is right around that four-plus year, and the Premier has indicated previously that he wants to go at least four years. Well, it is close enough. It gets us on track. I might have to pull the quotes, by his expression, to run it by him, but I do think that that is the way to go. That is when the municipal elections are; that is when we are seeing other elections.

The other lost opportunities. I think that there is none of the above that could have been put on the ballot as an issue. There is one issue that I did want to question the Premier on, and that issue is dealing with the issue of financing. That is an issue that ultimately brought me back to the Manitoba Legislature. If it were not for the legislation that the Premier had previously passed, chances are I would not be here today.

I believe that the government, through the passage of the previous legislation—and I understand why it is that they did it—had a crippling effect on democracy in the province of Manitoba. I think that the Premier needs to do what is right on this issue, and that is the reason why I am going to settle for one question right now. That question is dealing with the financing of political parties. If you take a look at, as an example, the election expenses of all political parties, you will see that, in the last

provincial election, there was one party that was able to outspend everyone by a country mile.

If you take a look at advertising, as an example, you combine both opposition parties, times it by two, your party, Mr. Premier, spent more than twice that amount. I believe that that was intentionally done by the government to bring in this legislation. They know full well that there is another part that, when you ban union and corporate donations, if you are going to be true to democratic principles, there should have been more in terms of public financing of political parties. That means there should have been established a base, at the very least a funding going towards a political party, and there should have been a vote-per-capita dollar amount given to each political party. That is what is done in Ottawa. That is what is done in the province of Québec, and for the Premier not to be acting on that issue, I believe, does a disservice to the whole issue of democracy.

What I would really like to hear from this Premier is how does the Premier justify not allowing for public dollars going towards a base funds for political parties while, at the same time, dropping corporate and union donations. How is that for the betterment of democracy in the province of Manitoba when you put it in the perspective of other jurisdictions?

Mr. Doer: On the issue of Crown corporations, we have worked on an amendment that I will be moving that has approval of the official opposition, I believe, and, certainly, not inconsistent with what we wanted to do. If it provides greater certainty to the intent of the law, I have no difficulty with that.

On the issue of fixed elections, we agree to disagree. I am glad the member opposite already knows the election dates, because I certainly do not.

Third item on financing of parties. We had two issues raised today. It has been the issue of tax receipts for leadership candidates, and there has been the issue of public financing of parties. I do not believe what Ottawa does is right. I do not necessarily believe we should adopt it, but I also believe that this is bigger than just a party in power so, if the official opposition wants to participate with a Liberal and with the government in an all-party committee on looking at both those issues that have arisen and any other issue on public financing, I am willing to look at an all-party committee on it. I think that has the advantage of greater outreach outside of this building because it affects taxpayers.

So I say we have had a proposal on tax receipts for leadership candidates. We have had a suggestion from a concerned—a concern from the Leader of the Liberal Party. I do not have an amendment to change the public financing of political parties here. I do not necessarily believe in the Ottawa system, but, if the Conservatives agree, I can re-establish a committee. Even by amendment, if they do not; that is fine too. I can live by it. Seeing that there is more than one opposition party here, the government is trying to be open, constructive. I will just leave it there. I have an open mind on it if other parties want to look at it. If they do not that is fine. I will judge myself accordingly.

Mr. Lamoureux: I guess, Mr. Chairperson, I appreciate the words from the Premier, but the concern has got to be that there is a significant unlevel financial playing field. I can tell the Premier, through the consulting that I have done over the years in regard to this particular issue, that Manitobans first and foremost want a level financial playing field. They are being denied that level financial playing field. The Premier, I believe, may have been advised of this issue in the past, and I believe that the Premier needs to play a leadership role on this. I believe the Premier has to say that there is an inequity or needs to recognize that there is an inequity. It is about, I like to think, the broader principles that we are really talking about here. It is not appropriate to fix a system so that a political party has a financial advantage to the degree in which it has been created because of legislation that, ultimately, Mr. Premier, you put in place.

I am glad to hear that you would be in favour of an all-party MLA group getting together and coming up with some recommendations. I am glad to hear that. It is better than nothing. But I guess, what I would like to hear from the Premier is for the Premier to take some leadership on this issue. I believe he knows, and I believe he understands what it is that we are talking about or what it is that I am talking about, and I do not understand why it is that he is not prepared to move whatever amendment might be necessary. I will move the amendment, if I could be provided leave to be able to do such, if it is the public fear. I believe that there has to be a base level of funding for a political party. The moment you have a political party there are obligations that have got to be met, obligations that we as legislators put on that party, financial obligations. There is a cost factor that every political party has to incur as a result of legislation that we have put in place. I

believe there is a responsibility for us to, at the very least, put in that base. I would also argue that, once you have established that base, it should be added upon, based on the number of votes that a political party achieves.

You know, I truly believe that Manitobans, as a whole, would be very supportive. I can tell; I have talked to political studies classes at the universities, and it was almost like a no-brainer. When I explained the situation, they believe there needs to be equity in the financing of political parties. There is no equity today. My question is: Will the Premier show some leadership on this crucial issue? As I say, I would be more than happy, with the leave of this committee, to be the mover of it, if the Premier would see so fit, or to be the sender or whatever it takes in order to make that issue happen.

Mr. Doer: Well, again, there are three parties here speaking. You know, we are certainly willing to participate in an all-party committee to look at the issue of the tax receipts and election financing. I personally do not agree with the member that going to the federal system brings equity. If it is a per-vote system for four years, we would get 50 percent of the money and the member opposite would get 13 percent, and that is not equity either. I am willing to have a broader discussion with other parties. I am not going to skeet shoot. I know there are issues of compliance for political parties since the Monnin report came out, and the cost of that.

* (19:30)

But I am willing to have an all-party committee, if the Conservatives want it. But this is not just, quote, the government of the day bringing it in. I did not agree with the way Parliament did it. The way they did it it was perceived to be not equitable. So I am open to an all-party group to look at both the issues that you have raised and Mr. Schuler has raised, the Member for Springfield, rather, but I am not also going to establish it on our own or just—that would be the best way. I am not going to skeet shoot amendments of this committee, because it would be irresponsible to the public and to the democratic institutions that we serve.

Mr. Lamoureux: Mr. Chairperson, what I think would be more irresponsible is that, if we allow this issue to go, when we have the opportunity to be able to deal with it. I will take the Premier (Mr. Doer) at his word. I will listen to the rest of the committee discussions. This is not about me. This is about a

political institution, an institution that I believe is worthy of fighting for, and it goes beyond just the Liberal Party.

It is too easy for us to say, let us have a committee, and then let the committee deal with it. Quite frankly, you can have this committee, and three years from now, then it is afforded the opportunity to do so. In the meantime, you have continued to be able to contribute to a system that is not healthy for democracy in the province of Manitoba. I would like to see some results on this issue, and in that end I am discouraged. I would welcome some more encouraging words from the Premier. If he says, let us get some MLAs from each party to sit down and see what they can work out. That is great. Is there a time frame? Whatever the Premier might be able to add to that, I think, would be nice to hear.

Mr. Doer: No, it is good.

Mr. Chairperson: No further comment.

Any further questions?

Mr. Faurshou: There seems to be a fair amount of discussion this evening that leaves open questions about the legislation itself. I know that the First Minister (Mr. Doer) has proposed that the section dealing with Senate reform be taken to various parts of the province for public input, with consideration on constituency size, constituency naming, polling. There seems to be a lot of question that, perhaps, it would be better served to take the entire piece of legislation out to the public. I wonder if the Premier would be considerate of the bill, without passage in this session, to seek public input on a number of the issues that I believe are of significant interest to all Manitobans. We should try and get it right to the best of our ability because, without a governance model, and one that people can trust in and participate in to strengthen our democratic institution, I believe we are failing ourselves.

Mr. Doer: Well, this is a public hearing. Usually, you find, when some legislation—I do not want to prejudice other ministers and other committees right now, I will not finish that sentence. But usually you find when there is some concern, there is some attendance. Mr. Chairman, my view is 90 percent of this law is recommendations made by the Chief Electoral Officer, and recommendations that he also incorporated, based on a very good committee hearing last November where people were talking about the last election and what was right and what

was wrong. Also, there are recommendations that come from the advisory committee made up of parties.

So we have a lot of people participating in the preparation of the electoral officer's report, and we have a lot of amendments in this document that come from the Chief Electoral Officer. I think at the committee meeting with the Chief Electoral Officer, I went through the number of recommendations that had been implemented in this report, and it is significant. There are, also, some we have not implemented, and I also delineated when we plan on coming back to them.

But I think we have had a record in listening to soldiers, for example, in terms of their disenfranchisement of voting and reinstating that. I think we have had a pretty record of implementing the Chief Electoral's recommendations. I implemented, well, our government implemented a number of them in 2000 that had been sitting on the shelf for 10 years. Again, this bill is a big bill; it is written in simpler language for people to participate in democracy. There are sections that allow us to have public hearings. There are going to be potentially Senate elections. I do not know where the federal government is going, and I could not tell you even after last week where they are going. So this gives us a chance to have our own internal issues.

How do we want to deal with this? I personally have my own views on it, but this allows for public hearings on some of those issues. The rest of this, I mean, I would not want to change, I would not want to go out and talk about reducing the number of electors in rural and northern Manitoba for the next six months or eight months. Then you have a period of time after proclamation to have the act come into place and it might not be there when the Premier has the nerve to call the next election campaign.

So I would say there are many provisions in here that you would want for your riding. I would recommend strongly, just because there is this issue we do not agree with and that issue we do not agree with, I would still recommend the majority of this bill. I watched the speeches from other people, I have read the speeches from other parties and most of this bill is led by the Chief Electoral Officer, supported by all parties here in being brought in a timely way for the next election.

There are other areas that are going to have public hearings like the Senate, and I think that is a

good populous thing to do, populous in the sense that people are speaking to us.

Mr. Faurschou: Mr. Chairperson, I appreciate the First Minister's comments. Yes, there are a number of things that have been mentioned over the years such as the naming of a constituency. I did second the honourable Member for Gimli's (Mr. Bjornson) request to try to incorporate St. Andrews into the naming of the Gimli constituency on historic value. There was no mechanism in the Legislature in which to address that, even though I believe there are thousands of persons who were mentioned in petition that wanted to see that happen.

I do take a little bit of exception, though, to the consideration that our upper House here in the province of Manitoba, under the constitution known to be the Legislative Council, was actually abolished. It was certainly suspended. Our constitution was never amended to take that chamber away from our constitution and our ability to have service by an upper chamber. I think that terminology came from the *Winnipeg Free Press* because they were the official recording agent of the legislative proceedings. But, in researching the bill, it certainly did not make any mention of abolition. It did make consideration for the one Chamber with the Governor General.

I read with great interest our history and some of the political savvy that persons have for representation here in the province of Manitoba and how our process has gone through. I appreciate what the First Minister is trying to do with this, what I term an ominous bill, and the honourable colleague from Inkster stated that it could be very easily four separate bills. I believe it could be even more than that.

I wonder, though, if the First Minister will consider the terminology when he refers to our Legislative Council that was suspended, and, in the terminology of then Lieutenant-Governor Morris, that it was an experiment of the day to lessen the expenses of the Legislature. So, anyway, I leave that with the First Minister to consider the language of the section dealing with Senate and Senate reform for his consideration.

* (19:40)

I will also leave the last thought from the honourable Member for Portage la Prairie that I do believe that persons residing and representing urban constituencies within the confines of the Perimeter

Highway can more easily serve a homogeneous constituency and I will say for the most part can walk across their constituency in an hour, let alone some of us who are challenged to drive across our constituency or even fly across our constituency in that same given amount of time.

Looking to the diversity within my own personal responsibility of representing Portage la Prairie, every ministry of government has employees in Portage la Prairie, active in their respective responsibilities. I would say that most urban constituencies cannot say the same. So it is a greater responsibility to represent and remain knowledgeable of those areas.

The long and short of it, it is a heck of a lot easier to represent a constituency that has more defined and concentrated interests than the diversity that some of our rural constituencies have.

Mr. Chairperson: Premier Doer?

Mr. Doer: No.

Mr. Goertzen: Mr. Chairperson, I have one question that relates to a question that my honourable friend, my colleague from Russell, posed regarding the appeal of the recommendations that come from the electoral commission. Certainly, I do not have experience as an elected legislator dealing with the commission here in Manitoba, but I did have some interaction on the federal side when redistribution happened there in 2003, I believe it was. Under that process, the commission for each individual province went about their work, did their analysis and then put forward a proposal in essence and took that around the province to different places and asked people's input that included asking questions about the naming of constituencies, but also the make-up of the constituencies. I think that, if I remember correctly, there were some changes that occurred from that, and then the commission in Manitoba presented their final report, and that was not appealable.

But you see in there that there was a process for public input, and I just wanted to ensure that there is nothing within this legislation that would prevent that process from happening in Manitoba.

Mr. Doer: No, the maps and the proposed names and the rationales are presented to the public, and there are public hearings and there is public input. I can recall a number of times where the proposed name of the constituency was changed in its final report.

Mr. McFadyen: Mr. Chairperson, just a question on Schedule D relating to the establishment of the all-party committee on electing senators. Just the third paragraph in the preamble to that schedule states: "AND WHEREAS the preferred position of Manitoba is that the Senate of Canada be abolished."

I am wondering if the Premier can just indicate what is the basis for making that statement, that that is the preferred position of Manitoba.

Mr. Doer: Well, the member opposite says it is this way. I would point out that at the Western Premiers' meeting last week, three out of four western premiers preferred abolition, British Columbia, Saskatchewan and Manitoba. But we also acknowledged that we prefer elections over patronage.

If we in Manitoba were getting a similar system to the United States where you had two senators per state or province, I think you would have an interesting debate. I think in western Canada alone, you have 24 senators. You have in Atlantic Canada, by history, 32 senators, and this thing is supposed to represent the regions. You should hear British Columbia talk about this, Gordon Campbell, who is not a member of my political persuasion, to answer indirectly the Member for Russell (Mr. Derkach).

But I also think the public has a right to speak. Now, this is a WHEREAS in this section, and one would have to assume that we cannot take an inconsistent position with the Legislature's act of 1876 in terms of the abolition of the Senate. I actually personally believe in Parliament. They should have a broader debate. I actually think, at one point, they were looking at appointing elected senators. Now they are looking at the term limits. I think there is some concern about just having one E without the other two Es for people to believe in that system. I actually think obviously, this whereas, the primary purpose of this provides for a set of public hearings. We will establish a committee. We can look at proportional representation, and it also prescribes that a member from every political party, i.e., the Liberals as well, be part of this committee.

I think some of the issues, like right now there are five out of six senators from the Winnipeg area. You could almost throw a ring around them around Wellington Crescent at one point. They moved around a bit after that. Talking about rural Manitoba, should there be guaranteed senators for rural Manitoba or should you have the majority decide that? I hope what comes out of this committee is actually the advice of the public that allows us to

make a decision that is long-term. I also hope that we have a debate in Parliament that is long-term. Right now, I am not sure.

I just want to share with people, because I know it was not on the news, I do not think it was on the news because Premier Klein was on the news. But I also know that three out of the four western provinces were abolish, abolish, abolish. British Columbia is really concerned about this huge population increase and having less senators than New Brunswick. If you go and entrench the existing system, that is what is going to happen, but I am willing to listen to the public.

Mr. McFadyen: Mr. Chairperson, I agree with the Premier's statement that it is time for a debate on these issues, and there are certainly competing views as to what is most appropriate in terms of reform of the Senate of Canada.

My point was a narrower one. Just to make a statement in the preamble to a piece of legislation that it is the preferred position of Manitoba, just strikes me as a little bit of a reach. It might have been more appropriate to say perhaps, the existing Government of Manitoba, or even the Government of Manitoba, and that the Senate of Canada be abolished. I know there are members of this Legislature who would certainly have different views on that issue. Some will support an elected and equal Senate or some form of Senate that is more equal than the one we have now with different degrees of effectiveness. It just strikes me that to state Manitoba, it certainly implies that there is some kind of a provincial consensus on the issue that it ought to be abolished, when it strikes me as being more a statement of the policy of the current governing party.

Mr. Doer: Well, I actually believe at a Mulroney premiers' meeting in the 1980s, there was an agreement from nine out of 10 provinces to abolish the Senate as a starting point to reforming it. I do not believe that under the present Constitution of Canada, the second equal is going to be constitutionally changed. But, in fact, I think pigs will fly, and I am not going to talk about Harry Enns saying that manure will be strawberry jam, but pigs will fly—

An Honourable Member: Will water flow uphill?

Mr. Doer: Well, water does flow uphill in the Bay of Fundy, but I, certainly, was not going to argue with my learned friend nor did I want to quote

Stockwell Day in the terms of the direction of Niagara Falls.

I think it is very, very important that we do have the public hearings, but I think anybody who says that Québec and Ontario are going to amend the Constitution to provide equal senators to Manitoba, Alberta and British Columbia, I mean, I just think we are not being genuine with the public. So I think we have a difficult issue here. It is nobody's fault because we have constitutional restraints that are incredible.

* (19:50)

Now you have a situation in Atlantic Canada with 32 senators. You have a situation in Québec, 24 senators; Ontario, 24 senators. You have British Columbia growing like crazy, so you are going to entrench six elected. Having said that, we will have a good public hearing. But I hope we are honest with people about amending the Constitution, because I think that it is unfair to say to people that we may be able to get the elected part, and it will be up to the individuals who are elected to be effective. But to suggest that we are going to get a constitutional amendment on equal, I think is a real stretch. We will agree to disagree, and that is why it is good to have public hearings. I really do believe that we need public hearings on this.

Mr. McFadyen: Just one final comment, and I would just put on the record that just as we do not prejudice the outcome of elections, we think it is inappropriate to prejudge the input of Manitobans on the issue of Senate reform. Our concern with this preamble is that it is presumptuous in terms of what Manitobans may think about this important issue of Senate reform, however difficult it may be in terms of getting the required agreement and consent on the part of other provinces. But we will simply leave it at that. We have put our comments on the record. It is our view that there is a diversity of opinion in the province on this point. We will leave it at that for now, Mr. Chairperson. Thank you.

Mr. Doer: I concur, there is a diversity of opinion. I also concur that the public hearings should proceed. I think the one thing that does unite most people in this province is that the existing patronage system is unacceptable in a democracy, so, on that point, we agree. On how we deal with it, we will agree to disagree.

I just think it is really problematic to say the second E is going to be there when there is no

evidence that I have heard. You know, with former Premier Filmon, he was in the room and he was closer to get abolition from some of the larger provinces than any province was able to agree on equal. I was in the room too, when we were dealing with Meech Lake, and all the issues of unanimous consent for Senate reform. I know the view at that time with the former premiers of Québec and Ontario. I do not see a stampede to provide equal senators for western Canada, but that is fine. The public will be good, but I think we should be honest with them about the opportunity to make it equal, one of the real constitutional requirements there, because they are very, very steep, extremely steep.

Mr. Chairperson: Any further comments or questions? Seeing none, we will now proceed with clause-by-clause consideration under the previously agreed understanding that the committee has.

Clause 1—pass; clauses 2 through 4 in Schedule A—pass; clauses 5 through 8 in Schedule A—pass; clauses 9 through 11 in Schedule A—pass; clause 12 of Schedule A—pass; clauses 13 through 15 of Schedule A—pass; clauses 16 and 17 of Schedule A—pass; clauses 18 through 20 of Schedule A—pass; clause 21 of Schedule A—pass; clauses 22 through 24 of Schedule A—pass; clauses 25 through 27 of Schedule A—pass; clauses 28 through 30 of Schedule A—pass; clauses 31 and 32 of Schedule A—pass; clauses 33 and 34 of Schedule A—pass; clauses 35 through 38 of Schedule A—pass; clauses 39 and 40 of Schedule A—pass; clauses 41 through 43 of Schedule A—pass; clauses 44 through 47 of Schedule A—pass; clause 48 of Schedule A—pass; clauses 49 through 51 of Schedule A—pass; clause 52 of Schedule A—pass; clauses 53 and 54 of Schedule A—pass; clause 55 of Schedule A—pass; clauses 56 and 57 of Schedule A—pass; clauses 58 and 59 of Schedule A—pass.

Mr. Lamoureux: Mr. Chair, I am not too sure, and, hopefully we have not passed it. Is there not a part where it makes reference to a number of signatures in order to be officially nominated? I think it was the form 499. Is that a part of this where we are at right now?

Mr. Chairperson: It is my understanding that you will find that in Section 55, page 28 of the bill. That clause, I believe, has been passed already.

I will now proceed with—Mr. Lamoureux.

Mr. Lamoureux: Yes, Mr. Chair, I realize that we did pass it, but I did want to point out that there was discussion at one of the advisory committees, in

dealing with this and I know I was even afforded the opportunity to talk to Rory about the possibility of amendments. I suggested to the Premier (Mr. Doer) that, in fact, this would be an appropriate amendment. The requirement to have a hundred signatures from within a constituency, I feel, is excessive, in comparison to other provinces. I detect that the Premier's opinion has not changed on the issue, and I find that it is just unfortunate. Thank you.

*(20:00)

Mr. Chairperson: Clauses 60 and 61 of Schedule A—pass; clauses 62 and 63 of Schedule A—pass; clause 64 of Schedule A—pass; clauses 65 and 66 of Schedule A—pass; clauses 67 through 71 of Schedule A—pass; clauses 72 and 73 of Schedule A—pass; clauses 74 through 76 of Schedule A—pass; clause 77 of Schedule A—pass; clauses 78 through 80 of Schedule A—pass; clauses 81 through 83 of Schedule A—pass; clauses 84 and 85 of Schedule A—pass; clauses 86 through 88 of Schedule A—pass; clauses 89 and 90 of Schedule A—pass; clause 91 of Schedule A—pass; clauses 92 and 93 of Schedule A—pass; clause 94 of Schedule A—pass; clause 95 of Schedule A—pass; clause 96 and 97 of Schedule A—pass; clause 98 of Schedule A—pass; clauses 99 and 100 of Schedule A—pass; clauses 101 through 103 of Schedule A—pass; clauses 104 through 106 of Schedule A—pass; clauses 107 through 109 of Schedule A—pass; clauses 110 through 112 of Schedule A—pass; clauses 113 and 114 of Schedule A—pass; clause 115 of Schedule A—pass; clause 116 of Schedule A—pass; clause 117 of Schedule A—pass; clauses 118 and 119 of Schedule A—pass; clauses 120 and 121 of Schedule A—pass; clauses 122 and 123 of Schedule A—pass; clause 124 of Schedule A—pass; clause 125 of Schedule A—pass; clauses 126 through 128 of Schedule A—pass; clauses 129 through 131 of Schedule A—pass; clauses 132 and 133 of Schedule A—pass; clauses 134 through 136 of Schedule A—pass; clauses 137 and 138 of Schedule A—pass; clause 139 of Schedule A—pass; clause 140 of Schedule A—pass; clauses 141 and 142 of Schedule A—pass; clause 143 of Schedule A—pass; clause 144 of Schedule A—pass; clauses 145 and 146 of Schedule A—pass; clauses 147 and 148 of Schedule A—pass; clauses 149 and 150 of Schedule A—pass; clauses 151 and 152 of Schedule A—pass; clause 153 of Schedule A—pass; clauses 154 and 155 of Schedule A—pass; clause 156 of Schedule A—pass.

Shall clauses 157 through 159 pass?

Mr. Lamoureux: Mr. Chairperson, I wonder if the Premier can indicate whether or not the Chief Electoral Officer has the authority to be able to change the voting time to 9 p.m. if he or she wanted to be able to do that, or would that require a legislative change?

Mr. Doer: No, we cannot, but I would point out that the advance voting is more small "l" liberal.

Mr. Lamoureux: So it is through legislation then that says it is eight o'clock. Could the Premier indicate why it is he would be opposed to allowing voters to go to nine o'clock?

Mr. Doer: Well, it is 12 hours. It is fairly customary across the country. What has been changed is the homeward-bound voting, a voting that can take place if a person is located in another location and voting back in their home constituency and some of the advanced voting.

Again, these are recommendations of the Chief Electoral Officer. I asked the same question, and I was satisfied that the combination of all the changes will allow for greater participation or opportunity to participate.

Mr. Lamoureux: Mr. Chairperson, I know that the Chief Electoral Officer is here this evening present, and I would suggest that it is something that is worthy in terms of looking at, as we try to get more people to participate in the democratic process. Extending it from eight o'clock to nine o'clock, I think would be a positive thing to do, and maybe it is the type of thing that the advisory committee could look at and then possibly report back.

Mr. Doer: Yes, I actually thought in discussions with the Chief Electoral Officer that a lot of people are working earlier, as well, and they are all well on their way to work, but earlier. So I asked questions on both ends, and I am sure the Chief Electoral Officer has listened to your comments.

Mr. Chairperson: We will now proceed with further clause consideration.

Clauses 157 through 159 of Schedule A—pass; clause 160 of Schedule A—pass; clauses 161 and 162 of Schedule A—pass; clause 163 of Schedule A—pass; clause 164 of Schedule A—pass; clauses 165 and 166 of Schedule A—pass; clause 167 of Schedule A—pass; clause 168 of Schedule A—pass; clause 169 of Schedule A—pass; clause 170 of Schedule A—pass; clauses 171 through 174 of Schedule A—pass; clauses 175 through 177 of Schedule A—pass; clauses 178

and 179 of Schedule A—pass; clause 180 of Schedule A—pass.

Shall clauses 181 and 182 of Schedule A pass?

Mr. Goertzen: I just had a question, a clarification regarding 181(1). It is entitled False statement of a candidate's withdrawal. The title to me is somewhat confusing because it seems to indicate that somebody has made a false statement about whether or not a candidate has withdrawn a statement, but the actual section, "A person who knowingly makes, distributes or publishes a false statement that a candidate has withdrawn is guilty of an offence."

* (20:10)

Is the offence that the person knew the statement was withdrawn and then they made the allegation, or that they just made the allegation, regardless if they knew if it was withdrawn or not? It could be difficult, because I am not sure what a withdrawal means. In that context, how a person could be held to that onus, whether or not they knew of something withdrawn?

Mr. Doer: If you knowingly make a statement that a candidate has withdrawn specific to the election.

Mr. Chairperson: Are you ready to proceed?

Clauses 181 and 182 of Schedule A—pass; clause 183 of Schedule A—pass; clause 184 of Schedule A—pass; clauses 185 and 186 of Schedule A—pass; clause 187 of Schedule A—pass; clauses 188 and 189 of Schedule A—pass.

Mr. Doer: Dealing with clause 200, I would propose an amendment to—

Mr. Chairperson: We are not there yet. We will proceed with clause-by-clause consideration.

Clauses 190 and 191 of Schedule A—pass; clauses 192 and 193 of Schedule A—pass; clause 194—pass; clause 195—pass; clause 196—pass; clauses 197 through 199 of Schedule A—pass. Shall clause 200 pass?

Mr. Doer: Yes, I was going to have the Member for Russell (Mr. Derkach) second it, but I would move, seconded by the Member for Fort Whyte (Mr. McFadyen),

THAT Schedule A to the Bill be amended in the English version of Clause 200(3) by striking out "may" and substituting "must".

I have them both. The French and English versions are circulated.

Mr. Chairperson: It has been moved by the honourable Premier Doer

THAT Schedule A to the Bill be—dispense?

An Honourable Member: Dispense.

Mr. Chairperson: The motion is in order. Any further debate?

Is the committee ready for the question? The question before the committee is the motion moved by Premier Doer

THAT Schedule A—dispense?

Some Honourable Members: Dispense.

Mr. Chairperson: All those in favour? Agreed? [*Agreed*] Thank you to members of the committee. The amendment is carried.

Clause 200 of Schedule A as amended—pass; clause 201 of Schedule A—pass; clauses 202 and 203 of Schedule A—pass; clauses 204 and 205 of Schedule A—pass; clauses 206 and 207—pass; clauses 208 through 210—pass;

That concludes Schedule A. We will now proceed to Schedule B.

Clauses 1 and 2 of Schedule B—pass; clause 3—pass; clause 4—pass; clause 5 of Schedule B—pass. Shall clause 6 pass?

Mr. Doer: I move, seconded by the Minister of Justice (Mr. Mackintosh),

THAT Schedule B of the Bill be amended by replacing clause 6 with the following:

6 *Section 6.2 is amended by striking out "or any person employed under the Chief Electoral Officer" and substituting ", the commissioner, or any person appointed or employed by the Chief Electoral Officer or the commissioner,".*

Just by way of explanation, this makes it clear that immunity for purposes of liability goes to the new commissioner as well. It is consistent with the provision of The Elections Act, and it has been recommended by the Chief Electoral Officer.

Mr. Chairperson: It has been moved by Premier Doer

THAT Schedule B of the Bill be amended by—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The motion is in order. Further questions, debate? Seeing none, is the committee ready for the question?

Amendment—pass. Clause 6 as amended—pass; clause 8 of Schedule B—oh, pardon me. Let me back up from that for a bit if you do not mind. Well, committee members, I think I have neglected clause 7.

Clause 7 of Schedule B—pass; clause 8 of Schedule B—pass; clauses 9 through 12 of Schedule B—pass. Shall clause 13 pass?

Mr. Doer: I am dealing with—the next one is 37, is it not? Or clause 13? Yes, I am on 37. This is again a recommendation by the Chief Electoral Officer.

I move, seconded by the Minister of Justice,

THAT the proposed clause 37.4, as set out in clause 13 of Schedule B to the Bill, be replaced with the following:

Application

37.4 For certainty, nothing in sections 37.1 to 37.3 prevents a professional fundraiser, event organizer, call centre, or other similar entity retained for fundraising purposes by a candidate, leadership contestant, constituency association or registered political party from doing one or both of the following:

- (a) soliciting a contribution on behalf of the candidate, leadership contestant, constituency association or registered political party; and
- (b) collecting information from an individual who wish to made a contribution and forwarding the information to the candidate, leadership contestant, constituency association or registered political party.

Again, this is recommended by the Chief Electoral Officer to deal with professional fundraisers in call centres. It is a recommendation that was made by Mr. Balasko, and I certainly respect his wisdom in proposing this resolution today.

Mr. Chairperson: It has been moved by Premier Doer

THAT the proposed clause 37.4 as set out in clause— [*interjection*] Dispense. The amendment is in order.

Mr. Goertzen: Just on language, on (b), "collecting information from an individual who wish to made a contribution." Wishes to make?

An Honourable Member: Okay. There was a suggestion the wording be "wishes to make."

Mr. Doer: Yes, I think that makes more sense.

Mr. Chairperson: Is it the will of the committee to accept the recommendation to change the word "made" to "make"? *[Agreed]*

* (20:20)

Mr. Schuler: Just as a comment, I see we seem to have all kinds of time to change 37.4, which mentions leadership contestant at least on several occasions, yet we do not seem to have the jam to change it to issue tax receipts for leadership candidates. Again, I find it strange by half. All the rules are clearly laid out. The intent of the legislation is clearly, clearly to incorporate leadership candidates in all aspects of this legislation, yet somehow in the great minds of this institution we left out that one little part where leadership candidates cannot issue a tax receipt.

I just, again, find it amazing that somehow it escaped everybody, even after having raised the issue with the Premier (Mr. Doer). I raised it with Elections Manitoba. All the amendments seem to be coming, all include leadership contestants, and yet somehow that one part of it does not seem to make it into the amendment. I ask the Premier again: Would he consider a friendly amendment?

Mr. Doer: I am willing to look at it with all parties on the leadership issue and do some homework on it, in terms of other jurisdictions, including the federal government.

On this, it is just clarifying the work of the professional fundraisers in call centres, but I am willing to look at, not the allegation about whether I have or have not, whatever term you use there, but I am willing to look at the issue he raised in future legislation.

Mr. Schuler: We do have three parties here, and I do not sense that there is much disagreement. Can I ask the Premier, then, when would this committee be struck, and can it be mandated that it would have to report with a recommendation by October of this year?

Mr. Doer: Well, we have agreed to have the elections committee report again. I do not need, I gather there is not consensus on an all-party committee on all issues of financing, so I will deal with this issue with the Chief Electoral Officer and

other provinces and do some research and report back in the next committee meeting.

Mr. Schuler: Again, I am sure the Premier and this committee appreciate time is of the essence on this particular issue and appreciate a tighter time frame, if possible.

Mr. Chairperson: Any further comments to the amendment? Committee ready for the question?

Amendment—pass; clause 13 of Schedule B as amended—pass; clauses 14 and 15 of Schedule B—pass; clauses 16 through 18 of Schedule B—pass; clauses 19 and 20 of Schedule B—pass; clauses 21 through 23 of Schedule B—pass. Shall clause 24 pass?

Mr. Doer: Yes, I would move, seconded by the honourable Leader of the Opposition (Mr. McFadyen),

THAT Clause 24(1) of Schedule B to the Bill be amended

(a) by replacing the proposed clause 56(1)(c) with the following:

(c) is by a Crown agency, is in the continuation of earlier publications or advertisements and is required at the time for ongoing programs of the agency.

(b) by adding "or" at the end of clause 56(1.1)(b); and

(c) by replacing clauses 56(1.1)(c) and (d) with the following:

(c) is in continuation of earlier publications or advertisements and is required at the time for the ongoing programs of the government department or Crown agency.

Just by way of explanation, it was certainly our goal in this legislation to make it very clear that this is not intended to be an open issue for advertising, but, at the other side, we do not want Crown corporations not to be able to do their business. This language, I think, makes it more predictable, and the opposition has looked at it. The Chief Electoral Officer has looked at it. The chief legislative draftsman and legal counsel to the whole Legislature has looked at it, and so it has to be good. So I move it.

Mr. Chairperson: The motion by Premier Doer that clause 24(1) of Schedule B to the bill be amended—

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense. The motion is in order.

Mr. McFadyen: Mr. Chairperson, I just want to thank the Premier for the amendment. We agree with the language as proposed in the amendment. It was our concern when we saw the words, agency's business plan that it was an attempt to broaden the scope of potential advertising by Crown agencies. This amendment satisfies our concern that it does only permit advertising as it relates to ongoing programs of the Crown agency, which strikes us as being a reasonable exception to the general rule of no advertising during an election campaign. So we support the amendment.

Mr. Glen Cummings (Ste. Rose): Well, I am reasonably sceptical about feel-good advertising during the period of a writ. I would like for clarification, I think my leader has probably correctly characterized our understanding, but, for example, Autopac receives an order to reduce the rates for the average automobile owner. That just happens to fall within the writ period. How would that be handled?

Mr. Doer: Well, we have the minister here and we have the former minister here. We are getting a lot of rate reductions out of MPIC lately. I know that it has been a very good thing for consumers. I have also found from the opposite side that, when rates are increased, people know about it. You do not need an advertising campaign.

The PUB orders the rates and I think they would be, I am not sure, but I think the Public Utilities Board is very careful about it. I think a lot of entities in government are very careful on being involved in an election campaign. The PUB obviously gets a rate application and makes a decision. I do not recall, I think if it was an ad hoc advertising campaign, it would not be part of an ongoing business plan. I would imagine very strongly that they would not advertise. I just believe that the amendments proposed by the member, I mean the goal is to keep the election calendar free for the debate between parties, not have any ad hoc campaigns. If any ad hoc campaigns came up, that would be contrary to this act.

Mr. Goertzen: I might just add for the record, because there has been a good deal of discussion this evening regarding set election dates. From a pure public policy point of view, some of this concern and discussion we are having regarding transparency of when ads are being put forward or when they are being contracted out might be a bit of a moot point if we had these set election dates. Certainly there

would be more understanding when there should not be these sorts of contracts entered into or sort of arrangements.

So, in the litany of things that we talked about in terms of set election dates and the advantages or, some might say disadvantages, certainly one of the election advantages, or one of the advantages of it, is that it would give certainty to those who are operating government departments and Crown corporations who did not want to get into this sort of quagmire of whether or not there should be advertising. It would give them that time to ensure they were not doing that type of advertising, just for the record.

Mr. Lamoureux: Can the Premier indicate under what circumstances, why would MPI or Manitoba Hydro have to advertise in a 33-day campaign? Why can they not just, no advertising during the 33-day campaign? What is so difficult to accept that?

* (20:30)

Mr. Doer: Well, there may be an ad campaign on. I do not want to speak for Hydro or MPI, but there might be a major campaign on. I am trying to think of something because I know that Workers Comp, for example, might have an advertising campaign on workplace safety and health injuries, or MPI might have something on immobilizers. But I think most people know. I think that in the Fort Whyte by-election there was an attempt to reduce advertising once it was called, and there was criticism of that on crystal meth. I think there was a concern raised in the House.

So my view is that departments for sure should not be advertising, and unless it is a major public health emergency—the other issue is the issue of—I am trying to pick up some of this other stuff, but the MPI example is if there is a rate reduction it is well enough in advance that there would not be any necessity to advertise it in a short period of time, 32 days. There would be absolutely no requirement at all because rate reductions are put in place by the PUB months in advance of an election campaign. So I would say that that is absolutely contrary to the amendment in this act.

Mr. Lamoureux: Mr. Chair, the Premier indicates that a major public health issue might be an example of one. I would suggest to the Premier, if there was a major public health issue that the members of the media would indeed be picking up on it, and they would be advertising it through the newscasts and so

forth. It is not a public education issue. What I am looking for specifically is I do not understand why a Crown corporation, a department—and that is why I ask for a specific example, a Crown corporation or a department has to have any form of advertising during a 33-day election campaign. The reason I ask for specific examples is because if it does happen, it would be nice to be able to look at what the Premier, on record, has said. That is the reason why I ask. It is not a trap or anything of that nature.

Mr. Doer: What is the old saying? He who watches every trap falls into none. The issue of the advertising. Let me give you a couple of examples where I think one would be against the act and one would be in favour or supported by the act.

The ads that came out in 2000 dealing with the health care accord, the interim health care accord—we have talked about waiting lists during the election campaign of Chrétien versus Stockwell Day—I thought, in my view, crossed what I would consider to be the line. I am getting a note. Probably: Do not say anything more. The lawyers will say: Do not say anything more.

Secondly, an ad campaign from the Department of Health, if there was a West Nile crisis or a potential West Nile crisis then and there was information required to reinforce what you should or should not do, and if it was a crisis situation or something similar to that, then I think the chief public health officer would want to get out immediately what you should be doing about it.

Now, I may be wrong because the person who interprets this section of the act is actually the Chief Electoral Officer, and if there is anything out of the ordinary—in other words, if we have an advertising campaign to tout the great rating decreases at MPI that have gone on over and over and over again under our regime, but, in the election campaign, I think it would be absolutely wrong and contrary to the act. So I think that those are the two examples I can think of.

I thought the advertising in 2000 was what I consider to be crossing the line. I thought some of the advertising of '99 when it came right up to the election was interesting. But that was in '99; now this is today. *[interjection]*

We could not come close. We did not even have media and Health talking health care—and that is why I did not—

My view is this deals with much more restricted—I think it does provide greater certainty to the intent of what we are trying to do, and that is why we work with the opposition to provide this wording. I mean, we want to win the elections on the basis of our people and our policies, not on the basis of something else.

Mr. Lamoureux: I am glad to hear that from the Premier in terms of the only advertisement we will see in a 33-day campaign would be one of an emergency public health issue; otherwise, we would not. That is how I interpret the Premier's comments and that is the question. I will leave it at that for that issue. Thank you.

Mr. Doer: The only ads you will see in a campaign is consistent with the act and the amended act that is before you.

Mr. Cummings: Only one question of the Premier, following on what my colleague from the Liberal Party just said. It would appear that Lotteries, a number of our Crowns, one of them is MPI, from time to time launch advertising. As monopolies, you would wonder why they would need to advertise, but, in many cases, they are advertising ongoing opportunities related to their function.

Does the Premier believe that there is any issue related to the cycle of those ads that should be addressed here? I believe he did put his finger on an ad that Workers Compensation put out on workplace safety. It was a co-sponsored ad. Good ad, by the way. But, if that goes from once a week to once a day, just before the six o'clock news during a writ period, is that a contradiction of the spirit of the act?

Mr. Doer: Well, again, the wording is here. I mean, my view is that government entities are very careful to balance off their business plans with the election campaigns. I would suggest in Manitoba nobody knows who is going to win a campaign. There is a certain basic accountability of Crown corporations. They do not want to be part of anything that might be perceived to be partisan. They are pretty careful people.

I would point out that every CEO of the Crowns are people who are long-time employees who have worked for different governments. There is an event tonight with the Liquor Commission. Mr. Lussier has been there for years, Mr. Brennan, Ms. McLaren.

I think people are very careful and I think governments have to be careful, too. I think the wording proposed by both parties in this amendment

deals with some of the issues. It has to be part of a business plan, and I also think people are very, very careful during campaigns.

The level of awareness and the cynical meter is much higher now with the media, the public. You do not gain anything if you have something that is perceived to be over the line of this legislation. In my view, you would lose.

Mr. Chairperson: Any further comments, questions? Does the committee wish the amendment read back?

Some Honourable Members: Dispense.

Mr. Chairperson: Dispense.

THAT Clause 24(1) of Schedule B to the Bill be amended

(a) by replacing the proposed clause 56(1)(c) with the following:

(c) is by a Crown agency, is in the continuation of earlier publications or advertisements and is required at the time for ongoing programs of the agency.

(b) by adding "or" at the end of clause 56(1.1)(b); and

(c) by replacing clauses 56(1.1)(c) and (d) with the following:

(c) is in continuation of earlier publications or advertisements and is required at the time for the ongoing programs of the government department or Crown agency.

Amendment—pass. Clause 24 of Schedule B amended—pass; clauses 25 and 26 of Schedule B—pass; clauses 27 and 28 of Schedule B—pass; clauses 29 through 31 of Schedule B—pass; clause 32 of Schedule B—pass; clause 33 of Schedule B—pass; clauses 34 and 35 of Schedule B—pass; clauses 36 through 38 of Schedule B—pass; clause 39 of Schedule B—pass; clauses 40 through 42 of Schedule B—pass; clauses 43 through 45 of Schedule B—pass; clauses 46 through 48 of Schedule B—pass; clause 49 of Schedule B—pass.

* (20:40)

We will now proceed with Schedule C. Shall clauses 1 and 2 of Schedule C pass?

Mr. Cummings: Mr. Chairman, I have an amendment that I would like to move:

THAT Clause 2(1) of Schedule C of the Bill be amended by adding the following after the proposed clause 8(2)(a):

(a.1) the President of the Association of Manitoba Municipalities;

Mr. Chairperson: It has been moved by Mr. Cummings

THAT Clause 2(1) of Schedule C of the Bill be amended—

An Honourable Member: Dispense.

Mr. Chairperson: Dispense. The amendment is in order.

Mr. Cummings: Well, Mr. Chairman, we do not have opportunities to review and have input into something that is as important in political life and an opportunity to reflect on how we run our elections in this province. As was clearly stated, and quite eloquently, by my colleague from Russell, the opportunity to look at the make-up of this independent commission to provide for some independent view that would perhaps be considered more knowledgeable of the rural reality that many citizens of this province are faced during an election, and it is on that basis that I am pleased to move this amendment.

Mr. Doer: Well, this would add an additional person to the commission, making it go from a commission of five to six. I am aware of some incumbents in those positions in the recent years being interested in partisan politics, without naming any names, so that is why on two points I would respectfully disagree with my colleagues. I will leave it at that. I respectfully disagree.

Mr. Cummings: Well, the Premier has cited one particular aspect of his concern about the position of the president of the association. In fact, they have been operating, to the best of my knowledge, with very strict internal onus on their presidents and their executive to operate in a non-partisan manner, even though we know that many people go on from there to become further involved and probably in partisan politics, at that point. As one of my colleagues just observed a moment ago, the current president of the U of W has been known to be involved in political activity.

Mr. Derkach: Well, I think my colleague the Member for Ste. Rose has put those arguments forward eloquently, but I want to add that nothing

prohibits a university president from running in an election.

An Honourable Member: Salary? A house? You have nothing to lose but a salary.

Mr. Derkach: But you are about to change that, are you not, Mr. Premier? Are you not about to change that, Mr. Premier?

An Honourable Member: I do not know.

Mr. Derkach: Salary aside, of course, there are some people who do not need a salary and run for politics anyway, and I think we have seen that in the past as well.

No person on that commission is immune to politics, and, certainly, as my colleague has pointed out, the current president of the U of W is no stranger to politics either. In this instant, Mr. Chair, I submit that, with the code of conduct that I know the municipal officials and especially the president of the AMM ascribe to, we should not fear that they would hinder the process. As a matter of fact, by adding the president to the mix, I submit that we will have a stronger, a fairer and a better commission at the end of the day because in that mix of people will be someone who is born, bred in Manitoba, understands the province, the demographics and will add, I think, substantially to the discussion on electoral boundaries.

I do not see a downside here, Mr. Chair. The only downside that there is, is that we would potentially change the commission to six members, but, if the members would conduct their affairs in a consensus way, which is not a strange concept to any of us here, the commission could work very well.

I guess I would pose the question to the Premier (Mr. Doer): What would be the downside to implementing this in this particular act? We do not have an opportunity to revisit this act often; for the next go-around of electoral boundary changes that we attempt this model. If, in fact, it proves to be a disaster, there is nothing that precludes us from bringing in an amendment after the next Electoral Boundaries Commission. I believe that electoral boundaries commissions are so important and they affect our lives not for one year, but for 10 years. So, for that reason, we should be very careful about how we structure the commissions. I believe that whoever the president of the AMM is can add richly to the whole process and can be an asset to the development of sensible boundaries for all of us,

regardless of what political stripe we are. This is not a partisan issue. This is one, I think, that is a common-sense approach to putting forward people from our province who perhaps can lend some expertise to an area that is very sensitive and affects all of us.

So, with those comments, Mr. Chair, I would seek the co-operation of the Premier in this instance to adopt this motion and to move forward, because unless I am missing something very obvious I do not see a downside in adding another member, especially one who has, I think, the respect of a lot of people in this province. People who are apolitical in many instances do respect the president of the AMM as someone who is a leader and someone who can add richly to a process of this nature and would give a lot of comfort to people who are watching boundary review. Thank you.

Mr. Chairperson: Mr. Cummings, I believe you have some updated advice for the committee.

Mr. Cummings: Mr. Chairman, I have been advised that the original motion that was distributed, that the French and the English did not match up so our legal support would like to redistribute the amendment with the correct translation.

Mr. Chairperson: Mr. Cummings, any further comments? Committee ready—Mr. Goertzen.

Mr. Goertzen: Well, only that I like to consider myself an optimist, but I do sense the imminent demise of this particular amendment. However, I would say to the Premier that I think it is certainly something that needs to be considered when reviews are happening. I do think that the views of rural Manitobans on the commission, some form or the other, would be of benefit to the committee, and I think it would add a degree of confidence to all those who are involved with it.

* (20:50)

Mr. Doer: Well, I agree, and that is why we have gone from a position where the three persons, the three institutions, the Chief Electoral Officer, the president of the University of Manitoba and the Chief Justice have been supplemented with the proposed amendment to have the president of Brandon University, which does have the Rural Institute, and the president of the northern institution. I think this is a dramatic step forward. I recall Mr. Downey, in 1989, promising to bring this forward. I remember I actually—[interjection] What is that?

I remember being part of that debate. Then it never happened for the next electoral boundaries. I am glad we promised to do this. I think we had a lot of people on both sides of the aisle, and, when the redistribution was taking place in '99, promised to do that.

If it works very well, which I think it will, we should be pleased that we brought this amendment in. There are some deficiencies. I would certainly be willing to look at it as Premier in six years, or five years, but *[interjection]*—I am just joking—I do believe we have made a quantum step forward for regional representation and still maintained a situation where there is a—yes, we want consensus, but here we have a tie-breaking situation. So I would say this is a quantum step forward, or a major step forward for regional participation on the institutional bodies of the electoral commission.

I do not disagree that the president of the Manitoba Association of Municipalities is not a very gifted individual, but I would respectfully disagree that we should go from three to six. I think we should go from three to five, and that is why we have proposed this, but I think we have an open mind down the road. Let us see how this works.

Mr. Chairperson: To make sure the process is clean, I am going to ask the committee's indulgence. Is it the will of the committee to accept the amended version of the amendment. *[Agreed]*

Is the committee ready for the question?

Some Honourable Members: Question.

Mr. Chairperson: Shall the amendment pass?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

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

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Chairperson: In the opinion of the Chair, the Nays have it. The amendment is accordingly defeated.

Formal Vote

Mr. Schuler: Recorded vote, please.

Mr. Chairperson: A recorded vote has been requested.

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

Mr. Chairperson: The amendment is accordingly defeated.

* * *

Mr. Chairperson: Clauses 1—

Point of Order

Mr. Schuler: A point of order. It is very disappointing to this committee that all the government members voted against this legislation. I think that is very unfortunate, certainly, for those of us who have rural seats that this amendment was defeated. Most unfortunate, again, that the government members did not deem this to be important is too bad.

Mr. Doer: I would point out that the members opposite, in government for 11 long years, had plenty of time to change the make-up of the Boundaries Commission of Manitoba from exclusive Winnipeg institutional positions to rural and northern. We are pleased that we have done that in this amendment. Often, we have an opportunity to make those changes, and they were squandered. There is an accountability for the fact that status quo, Winnipeg was the Conservative record. Increased participation in rural and northern Manitoba is the NDP legislation.

Mr. Chairperson: Mr. Derkach, with further advice for the Chair.

Mr. Derkach: You see, Mr. Chair, the Premier confuses this with partisan politics. Of course, because he had his caucus vote against this amendment, he turns it into a political issue and talks about 11 years ago. I do not recall this Premier when he was the official opposition leader ever bringing forward an amendment with regard to this. Secondly, he has had six years to bring this forward, and now that he has brought it forward he has a closed mind in terms of who can participate in the process.

Mr. Chair, in my view, I appeal to this resolution because I represent rural Manitoba, and I know the Premier does not have a lot of people on his side of the House that represent rural Manitoba. As a matter

of fact, when I look at the committee, he has one member on that side of the committee who represents somewhat of a rural riding. So I can understand why he does not appreciate the issue or the concern. Let me assure him that I do not want to make this a partisan issue because I think there are members in rural Manitoba who vote for the Liberal Party, vote for the NDP party and vote for the Conservative Party, who have strong feelings in this regard, and this does not upset the apple cart in total. I believe that this simply would add to the richness and the proper mix of representation for this province, because we have seen too many times where rural people are just treated like second-class citizens. They are never heard. They are not welcome to be participants, and this is just another example of that. Thank you.

Mr. Chairperson: The Chair appreciates the advice we have received on this point of order, but I must respectfully say that there is no point of order because the committee has already decided on this matter. So there is no point of order.

* * *

Mr. Chairperson: Clause 1 and 2 of Schedule C—pass; clause 3 and 4 of Schedule C—pass; clauses 5 through 7 of Schedule C—pass. That concludes Schedule C.

We will not consider Schedule D. Shall clauses 1 through 3 of Schedule D pass?

Mr. Lamoureux: Mr. Chairperson, we are on D?

An Honourable Member: We are.

Mr. Lamoureux: Mr. Chairperson, it is interesting here the way in which the Premier has this wording. One might suspect the Premier is being a little mischievous when he is indicating his—I think, he has kind of a sense of what his own political party's position has been on the Senate in terms of abolishing it. Yet he recognizes that there are a good number of Manitobans who see value in terms of reforming it. The Premier is trying to have it both ways. What I find more interesting than that is that he is indicating that this part of the legislation will, in fact, be acted upon three months after proclamation, and proclamation, from what I understand, takes place when the Premier wants to pass it through. So, in essence, what the Premier has done is he has made a political statement, garnered some media attention in regard to the issue. Now he gets to set the date for when ultimately it is proclaimed, and three months

after he determines that then he will have an all-party committee get together.

My question to the Premier is: Why has he set it up to do that?

Mr. Doer: I think public hearings are a good idea.

Mr. Lamoureux: Mr. Chair, that had absolutely nothing to do with the question.

* (21:00)

The question is that, if you take a look at it, this act comes into force on the day it is fixed by proclamation. So the Premier gets to decide when it is going to be proclaimed. Then, on the other hand, you have, after he proclaims it, he has three months to call for the committee to get together. So, in other words, he makes his wonderful announcement because he knows he is going to get some media attention on the issue. He has absolutely no intention, Mr. Chairperson, to proclaim it. He is just going to sit on it, and he is going to talk about it whenever he has the opportunity. There are no time limits put into this at all. This could be done on June 13, or it could be done five months after the next provincial election, whenever that might be. Yet he can take the issue and he can talk about it anytime that he wants.

Mr. Chairperson, I would suggest to you that he has manipulated the system so that he can go to the media and say, you know, the NDP wants to abolish, but, as Premier, we should need to negotiate and go to the people about a Senate. Yet there is no time frame. Why do you not, Mr. Premier, have a time frame for this so-called all-party committee?

Mr. Doer: I believe in public hearings, but it will be done in a timely way. If I am not doing it in a timely way, the first person to stand on a soapbox outside of the Legislative Chamber, I am sure, will be the honourable member. He needs no real reason to have a press conference and a gimmick. Maybe he will go down Portage and Main on a horse or something and campaign for Senate reform. He is not short of gimmicks. He is not short of props, and this will be timely enough so he will be able to resist the opportunity. We are not going to have any public hearings, though, in his favourite constituency hangout because it is an inconsistent message for healthy children.

Mr. Lamoureux: I must say to the Premier that many of these props that he refers to time and time again, I must say, I do not want to take credit for them because, generally speaking, I took most of

these ideas from him and his caucus when he was in opposition. So I cannot take full credit for it. But I anxiously await the Premier to get onto the record as to when it is—does he envision this in the next year, in the next two years, three? *[interjection]* It has nothing to do with the feds. This is the task force the Premier is calling for. Right?

When does he envision this so-called MLA task force to be actually doing this?

Mr. Doer: The answer to your question is yes.

Mr. Lamoureux: When you are going to anticipate is yes?

Mr. Doer: I am going to do it in a timely way. It will not be long. Your question about one, two and three years, I said yes to.

Mr. Goertzen: Just a question to the Premier. I know we have had other all-party task forces in the past, Healthy Living, a variety of others that I do not think were established by an act of the Legislature. Is there a particular reason why this committee needed to be established by an act of the Legislature?

Mr. Doer: Yes, I wanted to guarantee in the legislation the rights of the Liberals.

Mr. Goertzen: Well, it is getting late, I know, but I will try again from a different angle. Was this recommended—the Premier suggested that the Chief Electoral Officer has recommended much of the act—was it recommended that this particular provision go in the act?

Mr. Doer: I stated that 90 percent came from the Chief Electoral Officer. There was maybe more than that. This did not come from the Chief Electoral Officer. I take full responsibility for it.

Mr. Goertzen: I guess I just do not understand, then, from a legislative perspective why we would put in an act a committee when there is probably an easier way to do it or another way. Some might believe that it is part of the act because it is intended to deflect attention from other aspects of different parts of the act, or why it would be incorporated as part of an act when it would be, I think, probably a much less cumbersome process just to simply establish the committee and set out its terms of reference like other committees have been set forward. It just seems like a very odd sort of move when it has not been done in other committees in the past.

Mr. Doer: Well, this would not be the first province discussing this issue in a public hearing process.

There have been other legislative changes to allow that to happen. I think this is important because it deals with an issue that is going to be relevant long past the members of this Legislature's tenure. It was a value judgment I made, that I thought it was more important to have it in the legislation. I thought, though, that the all-party system guaranteeing the non-party party, the Liberal Party, a seat, was appropriate in the law.

Mr. Goertzen: I am not disputing the issue of the all-party task force because that has been done certainly in the past. To me, it seems cumbersome. If there was another committee that was struck down the road somewhere, for whatever reason, if the federal government decides to go a certain direction and we need to have another sort of look at this, would that contravene this act?

It just seems like a very, very cumbersome way to do it. The Premier does not seem to have a clear answer why it is in the act as opposed to not, so I will just leave it open, I guess, that there is not really a good reason, that it just struck him one day that he would put it in legislation as opposed to doing it the conventional way.

Mr. Doer: I thought long and hard on this issue, and I also listened to Manitobans who want to have public hearings. I thought we should guarantee it in legislation. There are legitimate disagreements, obviously, at the front end of this, but this Legislature does not control all the factors going into potentially a, quote, "Senate reform." It is the Prime Minister that could control it by certain decisions. It could be Parliament that controls it by certain ways. It could also be a federal-provincial meeting.

I thought that there should be legitimate debate on this issue in the public arena. I thought that debate should be guaranteed in a legislative forum. That is why I proposed it this way. It was not just pulled out of the air. I think it is very important to have it guaranteed in legislation.

Mr. Schuler: Could the Premier clarify for this committee, the Premier has spoken about various committees. I take it the committee to look on the financing side of leadership campaigns, which would be separate from this committee on the Senate. Is that correct?

Mr. Doer: Yes.

Mr. Chairperson: Any further questions?

We will then proceed with consideration of Schedule D. Preamble—pass; clauses 1 through 3 of Schedule D—pass; clauses 4 through 6 of Schedule D—pass. That concludes Schedule D.

We will now proceed with Schedule E. Clauses 1 and 2 of Schedule E—pass; clause 3 of Schedule E—pass. That concludes Schedule E.

We will now proceed to Schedule F. Clauses 1 through 3 of Schedule F—pass.

We will now consider the remaining items in the bill. Pages, in roman numerals, i through viii, Table of Contents for Schedule A—pass; page 155 of the bill, for the reference of committee members, enacting clause of Schedule D—pass; page 1 of the bill, clauses 1 through 4—pass; page 2 of the bill, clauses 5 through 7—pass; enacting clause—pass; title—pass. Shall the bill as amended be reported?

Mr. Lamoureux: Yes, Mr. Chairperson, I am going to give a final appeal, very briefly, to the Premier, to seriously consider bringing in an amendment at the report stage that would allow for a more equal financial playing field for political parties. I respect what it is when he said that he will have all parties look at it. The Premier knows full well that that is something that is just not doable in the short term and, in all likelihood, even in the long term.

He showed leadership when he made other changes. He did not have a problem going on his own to do that. I would ask and suggest that he show some leadership on the basic democratic principle of fairness and equity. It is not appropriate that political parties be put to the disadvantage that they have been placed into. It goes far beyond just the Liberal Party and so it is an appeal to the Premier (Mr. Doer) to do the right thing on this issue. Thank you, Mr. Chairperson.

Mr. Doer: Well, I have offered to all three parties the option of reviewing the member's concerns, but I look at the Conservative Party and I did not see much uptake on it. *[interjection]* He will think on it, well, I will leave it with him. So you have some work to do with your honourable opposition friends.

I have an open mind. I would note that the crown corporations act—*[interjection]* We have a 40 percent increase in the electoral boundary commission of all institutional positions outside of Winnipeg. I am open to your work with our friends in opposition and the Crown amendment had consensus from all three parties and I think that is what we are trying to do. The Russell amendment had a consensus from all parties so sometimes we will agree to disagree and sometimes we can work together. I actually think a lot of what it is in this bill is a product of everybody's statements in this committee a couple of years ago. I want to thank you for yours.

I also want to, while I have got the floor, thank Mr. Balasko, the Chief Electoral Officer, and all the staff that are here tonight. He gave me the nod a couple of times when we were looking at amendments so that was helpful, and I want to thank the Leg Counsel and all the people for helping us out with those amendments. We have a very good process in Manitoba for elections, and this act will make it much better.

Mr. Chairperson: Bill as amended be reported.

That concludes the business of this committee. What is the will of the committee?

Some Honourable Members: Committee rise.

Mr. Chairperson: The time being 9:14 p.m., committee rise.

COMMITTEE ROSE AT: 9:12 p.m.

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