



First Session - Thirty-Seventh Legislature  
of the  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
on  
**Privileges and Elections**

*Chairperson*  
*Mr. Conrad Santos*  
*Constituency of Wellington*



Vol. L No. 3 - 4 p.m., Tuesday, August 8, 2000

ISSN 0713-9543

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**

**THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS**

**Tuesday, August 8, 2000**

**TIME – 4 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Conrad Santos  
(Wellington)**

**VICE-CHAIRPERSON – Mr. Harry  
Schellenberg (Rossmere)**

**ATTENDANCE - 11 – QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Ashton, Hon. Mr. Doer.

Messrs. Loewen, Maloway, Martindale,  
Mrs. Mitchelson, Messrs. Nevakshonoff,  
Penner (Emerson), Reimer, Santos,  
Schellenberg

**APPEARING:**

Hon. Jon Gerrard, MLA for River Heights  
Mr. Marcel Laurendeau, MLA for St.  
Norbert

**MATTERS UNDER DISCUSSION:**

Bill 4—The Elections Finances Amendment  
Act

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**Mr. Chairperson:** Good afternoon. Will the Standing Committee on Privileges and Elections please come to order. This afternoon the Committee will be commencing clause-by-clause consideration of Bill 4, The Elections Finances Amendment Act. Does the Committee wish to indicate how late it is wishing to sit this afternoon?

**Hon. Gary Doer (Premier):** A couple of opening comments. I believe we agreed to a six o'clock time today based on the suggestion from

the Leader of the Opposition that we take some time to reflect on some of the presentations made at the Committee.

I just want to indicate to the Committee that we are proposing, just by way of advance information, three substantive amendments that we believe are consistent with the principles of the Bill but will help provide clarity.

One is to make it clear that third-party advertising does not include a communication for purposes of public policy or advancing the aims of a group, et cetera.

We have a second amendment which we talked about last week on an advisory committee that would consist of members of the political parties that are named in the Act already with the Chief Electoral Officer and with members representing media associations of Manitoba.

A third amendment to give this advisory committee some ability to deal with this issue is that we will not have this section of the Act take place by January 1, 2001. It will come into force on a date fixed by proclamation. Having said that, it is not imperative that it be January 1, 2001, for these sections of the Act because of the fact that the restrictions or the limitations only take place in the period of a writ and do not take place in the period of a non-election period.

So those are just, by way of information to the Committee, areas that we propose to amend in legislation. But we are certainly prepared to go clause by clause.

**Mr. Chairperson:** Is it agreed that this committee will hopefully complete its work not later than 6 p.m.? [*Agreed*]

**Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition):** Mr. Chairperson, we did indicate that we would only sit till six o'clock

tonight. I think that is in consideration for the Premier and his commitments this week.

I would like to have some clarification around the amendment, though, and exactly what section of the Act this pertains to. Is the Premier indicating that financial limits will not be set in advance of the Committee having discussions and coming to some sort of agreement on what the limits might be, or is he just indicating that the limits that are set out in the legislation will be the limits but the Committee will have the ability to determine some parameters around those?

**Mr. Doer:** The limits are based on the research we had on third party and its relationship to political parties and what they can spend in an election campaign. They will not change. The issue of the guidelines for what is allowed for third party, that will not be proclaimed. The advisory committee can work with the political parties and the media representatives on those. It would be an advisory committee because the Chief Electoral Officer still remains the person that is independent of the Act to determine what is inside the guideline and what is out.

We are also planning on amending and deleting the old section (b) under Definitions and putting in—it includes what we have got already but adding a section. I will just read it out: A communication made for the purpose of gaining support on an issue does not include the following: "A communication made for the purpose of gaining support on an issue of public policy or for advancing the aims of a group that is not a partisan political group, if the communication does not promote or oppose a particular registered political party or the election of a particular candidate." So that clarified some of the concerns raised by members on the Committee, the Member for River Heights (Mr. Gerrard), and others. Sections (b) and (c) of the amendment is the same as the existing definition as proposed.

So we would have clarity on the definition, which our interpretation is that all the third-party ads in '99 and '95 would be allowed: Vote for the party of lower taxes, for example. Health care ads, education ads would not be limited. There are no ads limited outside of the election period,

and there would be an advisory committee. You know, we have perhaps two years at least till the next election, so that group could work with the Chief Electoral Officer and include political parties and the broadcasters who had some concerns on the interpretation of these sections, which, we believe, were tightened up.

\* (16:10)

We would not proclaim it until that advisory committee has at least had a chance to meet with the political parties, this section of the Act. The rest of the Act dealing with banning union and corporations' donations comes into effect January 1, 2001. But this section of the Act dealing with limiting third parties, it is not necessary to come in right away in the sense that I promise you I am not calling an election, unless there is something really, really important to do so. But I do not expect CF-18 or anything else that would necessitate a Manitoba voice and an election at this early date, but I am not putting that in writing. I am just giving that to the Committee.

So the proclamation would deal with the advisory committee. The advisory committee could meet with the political parties and the media, and it would not be proclaimed. The section dealing with the third-party limits would not be proclaimed. The third-party limits, we have a legal opinion that the concerns raised—there have been two issues: One is the whole principle of limitations, and that issue has not changed. The second issue that has been raised is the clarity for purposes of what is a political ad and what is not. You know, you get the example of the taxpayers association. We do not consider that an ad that would be subject to limits, but we wanted to make sure it was clearer in its language.

**Mr. John Loewen (Fort Whyte):** Mr. Chair, just for clarification, are you saying all of section 55?

**Mr. Doer:** Yes. Right now the Act takes effect under the section on effective dates in January 1, 2001. This section would not come into effect, the 55 section, until proclamation. It would be our goal in government to have the Chief

Electoral Officer and the advisory committee meet and discuss these guidelines prior to any proclamation.

**Mr. Loewen:** But your comments do not apply to section 54?

**Mr. Doer:** I will just make sure. I will check. No. Let me make sure. Okay, I apologize. I will read out the draft amendment. It starts from section 25 of the Bill, which is section 55 of 55.1 to 55.12.

**Mr. Chairperson:** If there is agreement from the Committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions, or amendments to propose. Is that agreed?

**Mrs. Mitchelson:** Mr. Chairperson, we have several questions of a general nature that might apply to different clauses, and I think we would like to be able to ask those questions up-front and then maybe look at going clause by clause. I am not prepared to sort of rush through clause by clause and miss a question in a certain area, so if there is willingness maybe we could just ask general questions before we start going clause by clause on the legislation.

**Mr. Chairperson:** Is there an opening statement from the Premier?

**Mr. Doer:** No. I have made my statement indicating where we think that, based on the committee hearings, we should make some proposed changes and the timing on the third-party issue so that there can be some adequate discussion of that among the political parties and the media and the Chief Electoral Officer, so everything can be dealt with ahead of time.

**Mr. Chairperson:** We thank the First Minister. Does the Official Opposition have an opening statement?

**Mrs. Mitchelson:** I wanted to indicate at the outset that we certainly are not pleased with this kind of legislation that is so significant around election financing. It has been unilaterally introduced without any input from any of the

political parties other than the governing party, and I might say, given the presentations and the number of groups that came out and spoke against this legislation, without any consultation or consideration by this government to anyone that might be impacted or affected. We see some amendments now being put forward, but I am not sure that they go nearly far enough to address a lot of the concerns or the issues.

I listened carefully to the Premier's answers in Question Period today, and he talked about levelling the playing field, and because political parties had limits placed on them during a writ period it was not unfair to put limitations on third parties. He talked about that being a fairness and balance. It is interesting to see that he is prepared to at least have some discussion and dialogue around how that might be implemented and what the definitions or the guidelines might be. That is a small step in the right direction, but I also listened to his answer and wondered where the fairness and balance was when third parties are not limited outside of a writ period but political parties are.

I would like to ask a few direct questions of the Premier. When he has the figure of \$50,000 for political parties outside of the writ period in any given year for communication or advertising expenses, I wonder how he arrived at that figure or that number. Is it something that is in place in any other province across the country, or what was the rationale or the justification behind the \$50,000?

**Mr. Doer:** Yes. It is in place in other provinces. Two of them that I know of are Saskatchewan and New Brunswick. The amount of money, as we understand it, is in between both those provincial limitations.

**Mrs. Mitchelson:** So the Premier is telling me that the \$50,000 number is in place in Saskatchewan and in New Brunswick?

**Mr. Doer:** No. To the general question: Are there limitations between elections and other jurisdictions? Yes, particularly Saskatchewan and New Brunswick. As I recall it, Saskatchewan is higher, and New Brunswick is lower, than this limit.

**Mrs. Mitchelson:** Yes. Could the Premier indicate what those numbers are in New Brunswick and Saskatchewan?

**Mr. Doer:** I am going by memory and I can confirm these, but I believe that New Brunswick is \$35,000 and Saskatchewan is \$100,000, but I will double-check those numbers. It is in those ranges.

**Mrs. Mitchelson:** I guess I would ask the Premier then on how he arrived at the \$50,000 number. What was his rationale or thinking behind \$50,000?

**Mr. Doer:** It was an amount of money that I thought was reasonable and would be defensible in terms of allowable expenses. It also fits with something that is different than other provinces in the sense that we have a banning of union and corporate donations to political parties, which will perhaps be a restriction to some political parties. It will be one to ours, I know that. I suspect it will mean more work with individuals. So it was the amount of money arrived at consistent with the principle of the Bill and proposed as \$50,000.

**Mrs. Mitchelson:** Mr. Chairperson, the Premier (Mr. Doer) is telling me, because I think he used the word "I," it was the number that he arrived at. So it was his decision alone without any consultation with anyone else around that figure.

**Mr. Doer:** No, I had the advice about what happened in other provinces. I will get the specific numbers. I proceeded with an election promise that I did make in the election campaign. It was an amount of money that I thought was a defensible public figure.

If you look at the history of the last 10 years, I think there has been political advertising in Manitoba outside of an election period. I think the Liberal Party had a newspaper ad and a survey result. We had some billboards and the Conservative Party had an ad campaign. But I think, generally speaking, political parties in the '90s in Manitoba have not engaged in massive advertising in between election campaigns. We have relied on the level playing field rules in the campaign generally as a principle in this province.

\* (16:20)

**Mrs. Mitchelson:** Mr. Chairperson, I am reading directly from the news release that was sent out during the election campaign. I do not see anything in the news release that indicates that there were going to be limits on political parties regarding advertising or communication between elections.

I will read the three points that were articulated in the news release. It said: Reforming The Elections Finances Act to ban all donations from corporate, union and other organization sources; limiting contributions to solely those given by individuals; establishing an upper dollar limit on donations to political parties by individuals; and limit third-party spending during campaigns to reduce special interest influence as recommended by Elections Manitoba but not accepted by the Filmon Conservatives. It goes on to say this is one of the areas where we have some disagreement.

So the Premier is saying one thing today in committee when he said something different during the election campaign. He is going back to that election promise for his justification for the changes that he has made. It also goes on in that news release that he indicates he was elected on: He committed to work with other parties in the Legislature in a co-operative way to fully implement these reforms. So we have him saying one thing now when he said another thing before he was elected. I guess I would like to ask him if he might like to review his news release and show us where he was elected on limiting political party spending in non-writ periods.

**Mr. Doer:** I think the members opposite were not elected in '95 to amend the election advertising law to deal with an ambiguity from the '95 election to allow for unlimited advertising in the subsequent '99 election under the cap, which was inconsistent with the interpretation and the understanding of the former act. So members opposite have made decisions that they feel are in the best interests of democracy. We have made some decisions that we think are in the best interests of a level playing field, and they are before this legislative committee. We used the term level playing field, and if we look at some jurisdictions now, the

amount of resources available to them to advertise outside of the writ period is, again, a loophole, we believe, in the law, because if we provide for a limit inside an election campaign, surely if we are talking about a level playing field, democracy should be on the basis of people and ideas and other forms of discussion, not on the basis of who has the biggest wallet. That is consistent with the whole act that we are passing or proposing to pass.

**Mrs. Mitchelson:** The Premier is using justification, and I heard it in his comments a little earlier, that this is what he said before the election campaign. Will he now say that this is not what he said during the election campaign, but that he is doing something completely different than what he committed to during the election campaign? I have heard him put on the record many times: This is what we said we would do. It is not what he said he would do during the election campaign.

**Mr. Doer:** If you look at my comments over the years about level playing fields and advertising, and I think if you look at our comments in opposition when the members opposite were making a unilateral change in the laws, you will see a consistency in our comments about a level playing field. We think political parties should compete with ideas and people and activity and not on the basis of the size of their wallet. That is very consistent with the Act that is here, and I think, if you look at the election promise, it talks about a level playing field, and we are doing everything possible. We are not afraid to fight an election campaign with members in the Legislature on the basis of a consistent playing field, and I think that that is what we are proposing.

**Mrs. Mitchelson:** I guess I might just ask a few questions around what the definition for the guidelines around the \$50,000 spending limit will be. What is defined in the legislation as political advertising? I do not know whether the definitions are here and are clear or whether I just have not seen them, but if the Premier could explain to me what the guidelines will be.

**Mr. Doer:** The same as the existing law. There are definitions dealing with advertising within an election campaign, and it is exactly the same

outside of an election campaign—consistent definitions.

**Mrs. Mitchelson:** I just want to get at a couple of specifics, because I need to try to get an understanding. As the Premier knows, we will soon be electing a new leader.

**Some Honourable Members:** Electing?

**Mrs. Mitchelson:** Electing. Yes, confirming.

We will be going through a process—and members opposite may laugh, but I would not laugh if I were in their shoes considering the process that they had to go through when they were turfed out of office when Howard Pawley lost the confidence. Sure you had five. The people of Manitoba voiced their displeasure with the New Democratic Party at that time, so I would not be bragging about our process if I were members of the government side of the House.

I would like to ask a specific question around what might happen if our new leader decided to hold policy conferences and travel about the province in order to present himself to the public in a fashion that might be appropriate for a new leader of a political party. Would in fact any notices in the newspaper indicating that he was going to be in a certain community at a certain date or any policy conferences that were advertised throughout the province—would those be considered part of advertising or communication that would be limited to the \$50,000?

**Mr. Doer:** Well, I mean, there is an ability of an existing, incumbent MLA to advertise policy discussions that would not be considered, quote, part of the \$50,000. You know, I am informed by reading the media that one of two MLAs are planning on stepping down, and the individual that is going to be confirmed in November is planning on running in one of those two seats. So certainly if you were to go out to have a meeting on policy as an MLA, as Leader of the Opposition, and I understand you can advertise as an MLA to do that, if he or she is running ads like our billboards, you know, vote, that would definitely be I think—end hallway medicine, vote NDP, that is a partisan ad, and it would be limited to \$50,000. I think the members of the

Liberal Party ran an ad, you know, with a picture of the Leader and a survey result, which I think were paid for by the Liberal Party and legitimately would be inside of that.

I think you have had a few ads in June of 1999 that might be considered partisan, ads in the '99 run-up to the election campaign. There would be a reasonable limit. So we would all be competing on an equal basis.

**Mrs. Mitchelson:** But I guess again you are saying that if I, as an MLA, went out and held policy conferences and advertised them, I would be within my right as an elected member of the Legislature to do that. But any other person that might be challenging an incumbent MLA or that would not be an MLA, including a Leader of a party that was not in the Legislature, they would be considered to be—a political party would have to use a part of that \$50,000 budget in order for that to occur?

**Mr. Doer:** Yes, I think the same rule would apply to me. You know, come to an NDP policy meeting to discuss the future NDP platform for the next NDP campaign. That would be partisan and would not be allowed under the Legislative Assembly Management Commission rules and would have to be within the \$50,000.

I guess the answer to your question is nothing is changing in the definitions from where, you know, we are limited now in the campaign. We were limited in the past. We have limits in the past, and the definitions are applicable. We are not rewriting the book; we are just putting in a limit to make it a level playing field.

\* (16:30)

**Mrs. Mitchelson:** Mr. Chairperson, I guess my question would be: Who is going to monitor the activities? Where is that monitoring function going to be located? Who will undertake that? Because I sense that there may be a lot of things happening out there that could—I am not sure there are any guidelines, but who will be monitoring and who will be making a determination on what is legit and what is not?

**Mr. Doer:** Well, I would suggest that the political parties would be, like they have in the past, consulting with the Chief Electoral Officer. There is a regular party committee that meets on the Act and the changes in the Act and the interpretation of the Act. They met before the last '99 changes, they met after the '99 changes, and I think they meet regularly with the Chief Electoral Officer during election campaigns.

I really believe that the interpretation of these acts starts from the political parties themselves. I think that they are then determined. Any kind of determination would be made by the Chief Electoral Officer, or if it is behaviour way beyond the pale, you know, it would be potentially—potential breaches of this act can go to criminal referral. To give you an example, if somebody in an advertising campaign released a record of an underage person who is protected by the law in terms of the confidentiality, that is a breach of the Criminal Code, I believe, and therefore would be a breach of the Young Offenders Act, and a person who would do that would be subject to criminal offence.

**Mrs. Mitchelson:** Mr. Chair, I just would like to ask the Premier, if a third party, an individual wanted to run ads outside of the writ period on behalf of a political party, I guess under the guidelines they would have the ability to do that. My question would be: What if they are a card-carrying member of a certain political party, would they still be able to undertake that kind of activity?

**Mr. Doer:** Well, if there is an attempt to subvert the limitations, I guess I would recommend strongly—I am not going to provide advice to members opposite about how to follow the law, but I really respectfully urge members of the Legislature and the leaders of political parties—and apparently we have all established ethics committees and whatever—to not find ways to go around the law but find ways to work in the spirit of the law. So I am not going to give the Member opposite all kinds of advice at this committee about how something can be—the objective is to have a level playing field. That is the objective.



**Mrs. Mitchelson:** Mr. Chairperson, I am not asking on behalf of someone in my constituency that might be a card-carrying Conservative that is looking at circumventing the law. I guess I asked that question in generalities because I think that from time to time those kinds of issues are going to arise. I just look at even an issue in the last election campaign where the United Food and Commercial Workers had a publication that came out during the election campaign supporting the NDP, and you know we saw that happen.

I would like to ask the Premier if that is one of the things that would be banned, or if it would have to be included as part of the NDP's advertising budget because it is somebody that is advertising on behalf of the New Democratic Party during an election period. It happened in the last election campaign, so I guess I am just looking at these kinds of things. Is this one of the things that the Chief Electoral Officer would have to sit down and determine whether in fact—I mean, it seems to make sense to me that if it is something that comes out from a third party during a writ period supporting one political party—and that would be specifically supporting the New Democratic Party in this instance—would that have to be included as part of the NDP's advertising budget during the writ period?

**Mr. Doer:** Moving back to the questions posed by the Member opposite, dealing with \$50,000. "A registered political party incurs advertising expenses under this section if the expenses are incurred (a) by an individual on the party's behalf, with its knowledge and consent, or (b) by a constituency association, or a candidate of the party." So there is language there to deal with this issue.

**Mrs. Mitchelson:** Mr. Chairperson. I do not think I had my last question answered. The United Food and Commercial Workers, were they breaking the law, then, during the writ period by sending out a publication that told their membership to vote for the New Democratic Party, and if in fact they were advertising on behalf of one political party, were the expenses for that publication part of the New Democratic Party's election expenses for advertising? I mean, this is a bit of a grey area. This was one area that I think we had some

issues around, and I am not sure that that kind of issue has been addressed in this legislation.

**Mr. Doer:** I think this legislation is modelled after the Québec legislation in terms of the banning of union and corporate donations, the donations in kind in terms of staff and other resources. The rules have changed. The UFCW used to donate money directly to the NDP. So, yes, the laws have changed with this proposed legislation.

**Hon. Jon Gerrard (River Heights):** Just seeking clarification on a couple of points which are general. One is that in preparation for an election one often has in individual ridings nomination fights. In those nomination fights, you may be doing some advertising, or candidates may be doing some advertising. As regards that sort of advertising which is on behalf of people who are seeking the nomination to become a candidate, where does it fall here? Would that fall under the \$50,000 limit?

**Mr. Doer:** I do not believe we have dealt with people seeking a nomination, or I certainly know we have not dealt with leadership candidates—rules for candidates in a leadership race. I do not believe we have dealt with nomination races either. We have not restricted that.

**Mr. Gerrard:** It would, at the very least, seem to me rather important to clear that up because if the nominations, for example, fell within the \$50,000 limit and you have 57 constituencies and suppose they were all contested, then at spending \$250 for each candidate you have already spent in the range of \$25,000 to \$35,000. I think that it would be important to have some understanding of whether or not that is going to be included and whether some expenses are and some will not or what.

**Mr. Doer:** They are not included, nor are there rules on leadership races either.

**Mr. Gerrard:** On leadership races, what you are saying is that the spending limits for candidates for leadership races are unlimited?

\* (16:40)

**Mr. Doer:** There is a recommendation from the Chief Electoral Officer to look at the rules on

disclosure and the rules of leadership races, who funds the leadership candidates, how the public will know about that. I thought that, given the fact that it was changing the rules in midstream for one political party, that would have been unfair. I think changing the rules for the next election for all political parties is fair, but the Chief Electoral Officer has recommended in previous reports, including the reports that were discussed at the standing committee two weeks, three weeks ago, that this legislative body deal with that matter.

We are certainly open to dealing with that, but we did not think it would be appropriate to deal with it, with the Conservatives having already embarked on a leadership race.

**Mr. Gerrard:** So that your plan would be what in terms of dealing with that?

**Mr. Doer:** I am open to how best we can deal with that. I do not know when the next leadership race is going to be, but if members opposite would like to—the Chief Electoral Officer has raised that as an issue. I am sure it is going to be an issue that is going to be—I am not sure, but I do not know what is in his '99 report, but it is an issue that definitely has not been dealt with in past reports. It is not dealt with in this legislation one way or the other, and I feel it is an outstanding recommendation to this Legislature that we should deal with down the road. It would not be fair, for example, if a person thought that their donation to Mr. Praznik or somebody else was not disclosable and then all of a sudden we change the rules to make it require disclosure. That would be unfair in my view. That was a judgment, and I hate to use the words "I made," but it is a judgment we made when we proposed this legislation.

I am personally in favour of full disclosure on leadership contributions. In our own political party, we have limitations on leadership races by rules. Does the Legislature have the right to limit the internal workings of another political party? I think, as a minimum, the public has a right to know who finances leadership candidates. I do not know whether the Legislature can go too far in the internal workings of political parties. It can go a distance to dealing with the rules under which we all engage each other, but going into

the internal workings of a political party, save the Monnin recommendation that all parties develop an ethics code of conduct, which I am sure we have all done, I think that it is an interesting debatable point. I am open to advice. If people want to discuss limits for leadership candidates and disclosure, we are willing to do that in a time frame that is reasonable.

**Mr. Gerrard:** Given that this legislation will not come into effect until after the Conservatives' leadership convention is completed, I mean it would be well within the realm of the possible to deal with that now through an all-party committee before this legislation is passed, would it not?

**Mr. Doer:** Yes, but I can assure the Member that this is complicated stuff and it has lots of constitutional—I mean I am certainly willing to meet on this, particularly the issue of disclosure. I think all political parties would want to consult their own political parties about whether there should be limits internally in the leadership races in the future, but certainly the issue of disclosure, I think, is an important public policy issue. The more disclosure you have in a democracy, the more transparency there is and the more accountability there is. Personally, I feel that is all positive.

**Mr. Gerrard:** The other area I want to ask about is when we have an election which starts on a particular day, and it is not as if things stop and start on a dime, as it were, very frequently newspapers have got ads set, radio stations, televisions, magazines maybe with a longer time frame, and so on, how will advertising, as it were, material coming out from the union may have been sent just before the election, how would you deal with a cut-off for when the election starts, given that only perhaps the Premier will know in advance precisely when that is going to be?

**Mr. Doer:** Generally speaking, I have to say there have not been too many secrets on many elections in the last number of years except the one election in '88 that I can recall. It was pretty knowledgeable to all of us that the members opposite were either going to call the election a couple of days after the Budget in the spring of 1999 or after the Pan Am Games. I think that

there is a certain predictability within the normal democratic rules of customs over three and a half years and under five. Again, it is not up to the leader of a party to interpret those rules. You know, you are going to get editorials right to the day of the election supporting one candidate or another. They are not covered under these rules of advertising. If there is an advertising campaign within the \$50,000 at a time that all of a sudden is within the writ period, and say you have spent \$35,000 of that campaign and you have \$15,000 left, I am sure it would go against your limit after the writ was issued in terms of political parties' contents. So I do not see that as a major problem. Instead of having a limit of \$750,000 or \$900,000, you would have a limit of \$15,000 less. Just speaking in terms of our own party, and if I was in opposition as opposed to having some knowledge of when the next election would be called, save what happens in the Legislature which is an unpredictable place. I do not think that is a very difficult problem to manage.

**Mr. Gerrard:** I would see it as less of a problem perhaps for political parties than for third parties. I mean, the third party, as has been pointed out, which might want to put an ad in the *Free Press* or a province-wide ad in some fashion or an ad in a magazine, it is quite easy to be caught in a position for a third party where they have spent more than \$5,000 and all of a sudden the election is sprung and the material is out in the mail. In rural areas it may not get there for a week or so.

There are some real important complicating factors here. I think that they are particularly relevant for third parties where they are trying to reach people around the province and could not possibly do so with the \$5,000, within election allowable spending limits but are trying to do it immediately before an election and get caught. What happens?

**Mr. Doer:** The Chief Electoral Officer would have the wisdom of Solomon to deal with it. I mean, if it was obviously a kind of deliberate way to get around the rules, I would not want to be on the other side of that report. If a political party is trying to use the rules to subvert the principle of a level playing field, I think it is going to be pretty obvious to people that are

more experienced in adjudicating these matters than I am and more qualified and are independent.

**Mr. Gerrard:** It would seem to me that it would be smart to write the legislation so that the Chief Electoral Officer, although he may have the wisdom of Solomon, does not have to be forced to use it in very tricky circumstances.

\* (16:50)

**Mr. Doer:** I am not suggesting he is going to promote dividing the baby, but I have always found the interpretations to be—

**An Honourable Member:** Wit can be dangerous, you know.

**Mr. Doer:** Well, I think all of us are the ones—if we know the spirit of the Act, we work accordingly. We can fight the campaign on policies, people, ideas and vigorous effort. All of us are pretty darn good at going to the doorstep. That is where the election should be won or lost, but advertising is part of it, so let us just do it in a level way.

**Mr. Marcel Laurendeau (St. Norbert):** I only have one question. I think it is just one question. My question is: Now that we are changing the laws that the unions can collect some of those union dues for political purposes again, will the union be allowed to make that donation in the name of the employee at the end of the year to the amount of monies raised for political purposes, and what is it that blocks it?

**Mr. Doer:** As I understand it, the law is very specific, and it is the same for corporations as well that you cannot give a person, say a board director, a bonus for the purposes of donating it or donating it yourself to a political party on their behalf, and it is the same for a union member.

**Mr. Laurendeau:** But we are seeing that it is okay within the labour law now to collect money from the employees for political purposes. What prevents the union from donating it on behalf of the employee? Which section of this act prevents that from happening, the union contributing it in the name of the employee? It was the employee's

name. It was raised for political purposes. What prevents the union from donating it to a political party?

**Mr. Doer:** Well, the existing law. Remember, when the announcement was made about union and corporate donations, the existing election law prohibits you from giving money to somebody else for the purposes of getting around the disclosure act and getting around the provisions of the Act. Not this—the existing law, and I remember hearing the comments from the co-chair of the campaign committee saying people will just get around it. Well, you cannot in Québec or here, you cannot get around it. It is in the current act: 41(1), (2). *[interjection]* Well, it is also in the existing act.

**Mr. Laurendeau:** That is exactly the problem I am having. When you look at that section 41(1), (2). It says: No individual "shall contribute to any candidate, constituency association or registered political party." Then it goes into the (a) and (b), and the (b) clearly states "any money, goods or services that have been given or furnished" to the individual "by any other person or organization for the purpose of making the contribution." But it would not prevent that group from making it in the name of the other person, because that was exactly what it was raised for. If that person is raising that money specifically for a political purpose, what prevents them from putting it in his name? If John Doe is the one that is being given that money, it is like going into a holding account. I do not see that closing it out or preventing it from happening.

**Mr. Doer:** The union cannot make a donation, and it cannot use an intermediary to do so. A corporation cannot do that as well, through a director, through an honorarium. The section dealing with the labour code was changed, dealing not with partisan donations to political parties but really dealing with—and as I understood it, there was a consensus at the Labour Management Review Committee on that issue. If the Steel Workers had an ad campaign on health and safety flowing from the Flin Flon incident or some other incident that has taken place in some of the mines before, is that political, because it is asking for health and safety vigilance, or is it partisan? The unions

cannot use an intermediary to get around the law to donate money to a political party; neither can corporations.

**Mr. Loewen:** Just on that point, and I think it bears further investigation, because nothing in the Act that I see would prevent somebody from, say, through a payroll deduction, collecting money over the course of the year and then having that contribution registered to a political party in the individual's name whom the money was collected from. So I think it is a nuance there which I believe is quite likely allowable because it is the individual's money. It is just being collected in pieces as opposed to in one lump sum. Anyway, I think that is something that should—

**Mr. Doer:** Just on that. I asked this question too, because I said the opposition would quite rightly want to know, and I would want to know, because we had heard rumours about Québec and the board members of some companies getting money as honorariums for the purposes of donating it at that point to the Liberal Party, Québec, or conversely in Québec, the Parti Québécois. The wording is "no contribution through intermediaries," and so both in discussing this with legal counsel and with experts on this matter, it was a question I asked, you are asking it, and I think it is appropriate you ask it. So did the Opposition House Leader. It is both in the existing act in terms of the consolidation act of '99. It is one of the issues that was raised in the original Monnin inquiry in terms of money being passed around and et cetera. It is very specific. No money is supposed to go through intermediaries and through either a person or organization. There can be debates about what is and is not partisan, some of the issues on third party. But on this thing I have been told it is legally bulletproof.

**Mr. Loewen:** I can appreciate that. I just want to make sure that the Premier is aware that I am not talking about a situation where someone gives somebody some money or gives them a payment, and then collects it back. I am talking about a situation where somebody, of their own free will, decides that they will say something. It is common in the business to deduct something from your paycheque every month and pass it on. I do not think the legislation excludes that.

Again, this is their own money of their own free volition. It is not money that is given to them to give back. They are doing it in a piecemeal basis. I just think it is something that bears looking into.

\* (17:00)

My major concerns are quite different. Certainly I appreciate the attempt that is being made, maybe, to clarify some of this bill. My own belief is that even with the amendments that are being proposed, and in some cases as a result of the amendments that are being proposed, this bill is so fundamentally flawed that we ought not to be rushing it through. I do not understand how we can ask a committee to look at section 25, clauses 55 without looking at sections 23 and 24 that deal with amendments to section 54, at the same time. It seems to me that the two of them are so inextricably linked that to ask a committee to just look at one without giving them the mandate and the authority to make recommendations on both is fundamentally flawed.

Even if that was the case, my point would be that really this legislation does not match up very well with the election promise. If the Premier was simply interested in living up to his election promise, that would be one thing. If it was the primary intention to ban donations from corporate unions and other organizations, then I would suggest it would be a lot better off if we looked at a bill that did that. That is not as complex or far-reaching as this bill, which does a lot more than that.

Again, you can look at it in many, many situations. But certainly section 2, subsection (3) where it talks about services provided by individuals, and has to distinguish for self-employed individuals who normally charge for their services, I mean, the wording is fundamentally flawed to the point where it is a different interpretation for somebody who works in a corporation or works for an hourly wage as opposed to an individual who is out in business on their own. I just do not understand how somebody who is in a business like that—it could apply to commission salesmen or not—will be able to charge for their time.

I also do not understand. Nowhere in the election material is it implied that individuals

from outside of Manitoba who have an interest in Manitoba and an interest in bettering Manitoba would be restricted from making a donation. In the finest interpretation of that, certainly if an individual who is running for office had a parent who retired to Victoria or someone else in the family who had moved out of province for work reasons, I would exclude those people who may intend to come back to Manitoba from giving a small vote of support for somebody seeking elected office. I do not understand what progress we are making by including that type of clause in this legislation. There is also, as referred at this committee, concerns with how some of the money is going to be accounted for, that might go into a contested nominating procedure. I think the Member for River Heights (Mr. Gerrard) raised some very valid concerns in terms of the nomination process. If you have a hotly contested nomination, with three or four candidates, and money spent trying to garner that nomination, what effect will that have? My interpretation is that would certainly limit what then can be spent on an election campaign.

There is definitely concern there, but the amendments that are being talked about do not really speak to the issues that are being brought up or were brought up in committee. They do not speak to some of the fundamental flaws in this legislation, and unless a committee is struck, an all-party committee, and it could include members of the media and the Chief Electoral Officer who will review the whole bill, I cannot for the life of me believe that a committee that simply is restricted to looking at section 25 will be able to come up with recommendations that deal with some of the other fundamental flaws in this legislation. On that basis, and the Minister has made reference to it in the House, the Premier has made reference to it, are you for banning political contributions from unions and corporations, or are you not? Well, that is not the issue for me in this bill.

This bill is far-ranging. It places a number of limitations on individuals' rights and freedoms. We can have the argument about whether we should be banning corporate or union deductions. The other day the Premier raised in the House that the national party did do that, and they had a fundamental belief that that should be

done, but the national party also, and this is where it differs from the Premier, from his party, when they received a donation from a union or from a corporation they sent it back. They did not have a fundraising dinner in between the legislation saying it was illegal. So, if we are talking about something that is a fundamental belief on how the process should be handled, that is one thing. It seems to me that we are doing this more for political expediency than anything else.

So, having voiced that, there are lots of questions on the clause by clause. I appreciate that the Premier has pressing business with the conference, and we want to get through this bill, but I just want to assure the Premier that this is not an issue for me of should we have union donations and corporate donations versus should we not. There are a lot of fundamental individual rights and freedoms that are being taken, and I think very many of them will be challenged and turned down by the court system when they are analyzed, and so again, we were given options during committee to deal with that by getting legal opinions prior to rushing through the passages of this bill.

As the Premier has admitted, we are not going to see an election for the next couple of years presumably, given unforeseen situations, but still my question would be: Why would we not refer the whole bill to this committee that he has set up, for a complete and thorough review, with an opportunity to come back to the House with the concurrence of the Chief Electoral Officer and maybe the Chief Electoral Office should be the Chair and have the final say in some of this legislation before it is rushed through the House?

**Mr. Jack Penner (Emerson):** I want to pursue the line of questioning that the Honourable Member for St. Norbert (Mr. Laurendeau) pursued a little while ago. That is, I want to ask the First Minister to read to me the section that disallows a union to make a deduction from a payroll for the purposes of the individual to make a contribution on behalf of any political party.

**Mr. Doer:** The existing act and the proposed act are similar in the sense of prohibiting the

donations through an intermediary for purposes of—

**Mr. Jack Penner:** No, that is not the question I asked. The question I asked is read to me the section of the Act which prohibits a union from making a deduction with the consent of the individual for the purposes of contributing to a political party as an individual but making the deduction specifically for that purpose. Read to me that section that specifically spells out that this is not allowed.

**Mr. Doer:** It has to be a donation from an individual, and you could go into—it is 41(1)(a) and (b), and it is both for purposes of corporations and unions, and it is in the existing act.

\* (17:10)

**Mr. Jack Penner:** I want to say to the Premier once more: Explain to me which section of the Act disallows a deduction to be made by a union that the individual would, as an individual, be able to contribute directly to the party of his or her choice. There is nothing in this act that would prevent a union from deducting \$3,000 annually, more or less, not more, but less, and contribute that to a political party and make that contribution as being contributed by the individual. There is nothing preventing that in this act.

The reason I raise this, Mr. Premier, is organizations can be very influential on their membership in indicating what should or should not happen and are very influential in encouraging people to make donations in that manner, whether it is to a hospital charity or any other charity or whether that be for the means of contributing to a political party, but there is nothing in this act that I have read that would prevent a union from encouraging a member to allow a deduction to be made from every paycheque that that member then would be deemed to have given to a political party. If there is, I want you to read the section of the Act that proscribes that, and that is what is wrong with this bill.

**Mr. Doer:** Well, 41(1), no contributions through an intermediary; the union would be the

intermediary, a corporation would be the intermediary.

**Mr. Jack Penner:** The intermediary would only be there if the union deducted the amount of money and contributed directly as a union to the political party, but there is nothing here preventing the deduction to be made by the organization for the purposes of contributing to a party, not by the organization but by the individual. So I say to you, Mr. Premier, there is a hole here big enough to drive a semitruck through in this bill that would allow that kind of contribution. It is very easy for organizations, such as a union, to be very influential in encouraging their membership to make those kinds of deductions, whether it is \$10 or whether it is \$100 or \$1,000 or in fact \$3,000. So I say to you that this is a prescription for union donations to a given party of their choice by virtue of encouragement to their membership through this process.

**Mr. Doer:** The payroll is controlled usually by the companies. Great-West Life, for example, if you are saying that they are going to have a checkoff system to contribute money to the NDP through their payroll deduction system: (a) they would be an intermediary; (b) they would be a contribution, because you would have to have a computer, you would have to have all kinds of other means as an intermediary to have a payroll deduction; and (c), it would be contrary to the Act.

The payroll is usually owned by the company and the employer for purposes of payroll deductions. The deductions on a pay slip, for example in the provincial public service, are made by individual decisions, perhaps, but there are no deduction slips or any computer number or allowable computer deduction save what is approved by the employer. I know that this is covered, and if it was a problem it is actually probably for a corporation doing it, but I do not think they will because they are going to be an intermediary. Unions do not have control of the payroll. If they raised the dues to contribute off the payroll for a political party, it is contrary to the Act. You cannot do it. They would not get it through convention, I daresay, anyway. Having said that, it is contrary to the intermediary section.

**Mr. Jack Penner:** There is no provision here under clause 41(1) or 41(1.1), where no individual shall make a contribution totalling more than \$3,000 a year, and there are no prohibitions for any organization, including a union, to make a deduction by the request of the individual member if that is the way it is deemed to contribute to a political party. There is no provision in this act that would prevent that, and there is no illegality about that under the terms of this act, unless I am totally inept of assessing what the meaning of this act is, and I do not think I am.

So there is no provision here that would stem that, and all I am saying to you, Mr. Premier, is there are organizations that are more influential in encouraging their members about that kind of activity than others, and this, in my view, would allow for a maximum of \$3,000 to be donated in that manner of each member. If you have a 90 000-member union that would be a very substantive amount of money that would be available to any given political party that was chosen to be the recipient of that amount of money. I do not see that kind of provision for any other individual, because as an individual you have not got the ability to allow for or encourage or direct the deduction to be made for those purposes.

**Mr. Doer:** The example you use, quite frankly, is almost a fantasy example. The unions do not control the payrolls; the companies do. We do not believe that this allows a company to use payroll deductions as an intermediary source for a political party. I think it is clear that you cannot—and it is under the existing law, because I remember the former member from Arthur-Virden saying political parties will just get around this. They cannot. You cannot give money to somebody for the purposes of giving it to a political party. That is already in the law, and we believe it is covered off fairly well. Thirdly, unions do not control the payroll fields. It is the employers.

**An Honourable Member:** Not necessarily.

**Mr. Doer:** Let us deal with it. I would bet 99 percent of the payroll fields are controlled by the employers, i.e., the corporations. There might be a few union staff that actually have a computer,

and that example might be there, but it is the 99 percent of the corporate abuses the Member is talking about we believe are covered under intermediaries. We believe that 1 percent perhaps that might be fantasized to be a potential abuse is also covered under that section.

**Mr. Jack Penner:** Well, I think that the fantasy has been well devised in this document, and I think the prescription for what I have outlined is here in this document, and an allowance for it. Time will tell whether I am correct or not. I would suspect that I might be more correct than the Honourable First Minister is in this regard, because this is a prescription. This document is a prescription for exactly the kind of thing that I prescribed, whether it is a union or whether it is another organization with a payroll and/or a corporation for that matter with a payroll that could be exactly in that same position if they chose to, but there are organizations such as unions that have a lot more influence on their membership to encourage those kinds of deductions to be made. They can be done under the auspices of any kind of charitable organization, but they can be made. You know that and I know that. They are made for charitable purposes on a weekly basis today. I do not see anything in this act for the prevention of that kind of contribution.

**Mr. Jack Reimer (Southdale):** I have a question, more for clarification. It was mentioned earlier that contributions during the nomination meeting do not fall into this, but I have got a bit of a problem in that when I read one of the clauses, 41(5), where it says "a contribution is deemed to have been made to a constituency association under this Act if it is made to a person seeking to be nominated as a candidate by that constituency association."

As the Premier knows, a lot of times, once the writ is dropped, that is when nominations start. A lot of nominations start after the writ has been dropped, and if you have a hotly contested nomination meeting where you may have two or three people, and they are each spending upwards of \$3,000, or \$4,000, or maybe even \$5,000 apiece just to get the nomination for that riding, the way I interpret this act is that money is then charged towards that association that is then charged against that election expense.

Therefore, the person that has been nominated is suddenly put at a disadvantage because he or she is then going to have that amount of money that was spent by the other two candidates or three candidates seeking nomination charged to that election of that association; therefore, that association is not going to have the full amount of monies to be spent for an election purpose during that election. Am I right or wrong?

**Mr. Doer:** Well, there were two separate different questions. One was dealing with advertising limits, and the other one was dealing with contributions. The contribution sections for nominations have the same limits applying to them. For example, you could not have unions contributing to a candidate for a nomination in a nomination race or a corporation. The contribution limits of \$3,000 apply, as I understand it.

\* (17:20)

**Mr. Reimer:** Taken that, then, if you have three persons seeking the nomination in that riding, whatever the riding is, three times three is \$9,000 has already been spent by that association in their election costs that are allocated to that constituency. The person, then, is at a disadvantage because that \$9,000 is charged against his or her constituency expenditures. That is the way I read it, and that is the way it seems to be.

**Mr. Doer:** There is a difference between contributions, which are subject to the limits and prohibitions, and expenses that would not apply, as I understand it—the contributions would be limited but not the allowable limits for purposes of that contest.

**Mr. Reimer:** It only leads into the natural progression. If you are going to get a contribution, you are going to spend it in that nomination meeting, and that money is going to be expended during that nomination meeting, and it is during the writ period itself. I am thinking that that money, the way I read this, is then charged to that association as their election expenses. You have two, or three, or four persons running for the nomination, it is not uncommon to spend \$3,000 or \$4,000 seeking the nomination. You are getting contributions from the general public into your coffers, and



that money is going out. You would be silly not to spend it to try and get the nomination. Is it feasible, then, when that money is charged against that association?

**Mr. Doer:** It is not. There is a difference between expenses and limits on contributions, and that is the way it has been. There are two streams in the Act dealing with these issues, one to deal with the prohibition of union and corporate donations, and the limits on individuals. There are certain limits in the Act dealing with expenses. You could argue that that might be a bit of a problem. I think most political parties believe that as many nominations that you can have before the writ period, the better off you are. So I think the experience has been generally the opposite, to try and get as many nomination races done before a writ period as opposed to the opposite. It is a difference between a contribution limit and an expense provision.

**Mr. Reimer:** Then am I right in assuming that, if the nomination meeting is held before the writ is dropped, there are no spending limits? It is wide open. There are no guidelines; there are no expense limits; there is nothing charged against the association. If there is a contested nomination before the writ, the restrictions do not apply.

**Mr. Doer:** That is my understanding, yes.

**Mr. Chairperson:** If there is agreement from the Committee, the Chair will call clauses and blocks that conform—

**Mrs. Mitchelson:** I think we are prepared to look clause by clause at such a flawed bill. I mean, there have been a lot of unanswered questions here. Certainly, the law as it stands today favours the government that is elected. Today it also favours incumbent MLAs.

When I look at the issues of nomination meetings, certainly there are some significant issues raised by my colleague that I do not think there is a satisfactory answer to. Now the Premier is indicating that he is advising all political parties to hold their nomination meetings before the writ is dropped when he is the person that will be dropping the writ. I mean how ludicrous can this kind of legislation be. It

just shows the true intent, again, of this Premier and the whole process behind this legislation being rushed in and being introduced, not based on what his election commitment was but based on some ideological bent or motivation which probably the Young New Democrats had right.

Setting all of that aside, we have a very flawed piece of legislation. I believe it is going to cost the taxpayers of Manitoba a significant amount of money when the court challenges start to come in. It is unconstitutional. It limits people's freedom to express themselves, freedom of speech, freedom of association. My colleague from Fort Whyte has indicated some of the issues that present themselves as the right of everyone from outside of Manitoba being permitted to participate in the electoral process here in Manitoba. I guess that means that the Premier's brother will not be able to contribute to his election campaign next time, the one that lives just outside of Kenora.

I believe this is fundamentally an extremely flawed piece of legislation. I think that what the Premier is doing by this legislation is setting the Chief Electoral Officer up for the role of censoring what happens inside and outside of the writ period, both by political parties and third parties. I think that is unfortunate. I think if the Premier had lived up to his election promise, that of sitting down and consulting with all parties in the Legislature, if he had gone through that process, we might see a piece of legislation in front of us today or in the not-too-distant future that would have buy-in from all political parties and from members of the community who have spoken out against this legislation. So it is unfortunate that he has decided to ram this through at this point in time. He, after the fact, is looking at some limited advisory role for members.

**An Honourable Member:** Damage control.

**Mrs. Mitchelson:** Yes, it might be considered damage control to try to get support for this legislation, but it will not work. I want to indicate that there are more questions than answers, and if he truly was looking at a consultative process, he would set this bill aside; appoint that committee; have us work with the Chief Electoral Officer and bring in a piece of

legislation that we might all be able to support and endorse wholeheartedly. This is unilateral. It is government from on high.

Quite frankly, we believe that this Premier and his government will be very embarrassed when this law is challenged, which it will be, and they find that it is unconstitutional and it is tossed out by the courts. It will again prove that this government has not managed the legislative process in this first session of the Legislature. We have seen the Minister of Highways (Mr. Ashton)—and I suppose I probably give him a bit of credit for bringing in amendments to legislation before it even passed second reading. He obviously rushed in a bill that he had not thought through, and I do give him credit, he did backtrack and he did bring in amendments before it even came to the committee process. We are not seeing that from the Minister of Labour (Ms. Barrett). I mean, she is talking and this Premier is talking about amendments to Bill 44, and we have not seen amendments to Bill 44, but maybe the Minister of Labour should take a lesson from her colleague the Minister of Highways and look at sharing those kinds of amendments before we even get to the committee stage, but I am not sure that we are going to see that.

Again, we have several pieces of legislation before us that are very undemocratic, this being one of them. We do have to indicate, certainly, that we cannot support the process and we cannot support the legislation because the process for introducing this legislation was so flawed. We will certainly move clause by clause today, and Manitobans will see, as things unfold, that this government has not managed the process of introduction of legislation. It has not managed the process of consultation with community and with organizations before bringing in very flawed legislation. This is one of those pieces that I predict will come back to haunt this Premier and his government.

**Mr. Chairperson:** If there is agreement from the Committee, the Chair will call clauses in blocks that conform to pages, with the understanding that we will stop at any particular clause or clauses where members may have

comments, questions or amendments to propose. Is that agreed? [*Agreed*]

Shall clauses 1 and 2 pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

**Mr. Chairperson:** Shall clause 1 pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

\* (17:30)

#### Voice Vote

**Mr. Chairperson:** All those in favour of passing clause 1. say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those opposed say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Shall clause 2(1) pass?

#### Voice Vote

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

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Shall clause 2(2) pass?

**Voice Vote**

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

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** Shall clause 2(3) pass?

**Voice Vote**

**Mr. Chairperson:** Those in favour of passing it, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clause 2(3) is passed on division.

\* \* \*

**Mrs. Mitchelson:** Mr. Chairperson, we have indicated our intention to vote against every clause and this bill in total, so I do not know whether we would want to expedite the process by going page by page.

**Mr. Chairperson:** Is that agreeable? Instead of going clause by clause, we will go page by page except when there is an amendment. *[Agreed]*

Okay, from clauses 2(4) to 4(1) on this page. Shall this pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

**Voice Vote**

**Mr. Chairperson:** Those in favour of passing them, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those opposed, say nay.

**Some Honourable Members:** Nay.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division.

\* \* \*

**Mr. Chairperson:** The next page, from Clause 4(2) to clause 5, shall these items pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** Those in favour of passing it, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clauses 4(2) to 5 passed on division.

\* \* \*

**Mr. Chairperson:** Next page. Clause 6 to clause 10(2). Shall these clauses pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** Those who are in favour, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division, clauses 6 to 10(2) have been passed.

\* \* \*

**Mr. Chairperson:** Clause 11(1) to clause 11(3) on page 6. Shall these items pass?

**Mr. Gerrard:** Just a question to the Premier (Mr. Doer). I raised during the debate the issue of the potential for companies or unions or what have you to use innovative mechanisms for reimbursement which would in effect channel monies through intermediate reimbursements for individual contributions. I just wondered whether you had had an opportunity to have somebody have a look at this from a legal perspective.

**Mr. Doer:** Yes, I have. I have consulted with legal counsel and officials on this matter. The existing act and the proposed act is very clear on intermediaries in the so-called "innovative" questions you have raised because the concern we had when the questions were raised about payroll deductions, we believe it is consistent with the principle of banning union and corporate donations. Under the existing act it does not allow, for example, a company to contribute to an individual, say, an honorarium for purposes of donating it to the political party under the \$3,000 limit.

We think it is drafted with the advice of people who have dealt with this matter before and will prohibit that.

**Mr. Chairperson:** Shall clauses 11(1) to 11(3) pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** Those who are in favour of passing it, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division, clauses 11(1) to 11(3) have been passed.

\* \* \*

**Mr. Chairperson:** Shall clauses 12 to 15(2) pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** Those in favour of passing clauses 12 to 15(2), say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division, clauses 12 to 15(2) have been passed.

\* \* \*

**Mr. Chairperson:** Shall clauses 16 to 19 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** Those who are in favour of passing clauses 16 to 19, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it. Shall this pass on division?

**An Honourable Member:** On division.

**Mr. Chairperson:** On division, clauses 16 to 19 have been passed.

\* \* \*

**Mr. Chairperson:** Clause 19. Carry over to page 10. Shall clause 20 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All in favour of passing clause 20, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division, clause 20 has been passed.

\* \* \*

**Mr. Chairperson:** Shall clauses 21 and 22 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** All those in favour of passing 21 and 22, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division, clauses 21 and 22 have been passed.

\* \* \*

**Mr. Chairperson:** Shall clauses 23 and 24 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** Those in favour of passing clauses 23 and 24, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division, clauses 23 and 24 have been passed.

\* \* \*

**Mr. Doer:** Dealing with clause 55(1) under section 25.

**Mr. Chairperson:** An amendment is proposed.

**Mr. Doer:** I would move this in both English and French. Moving an amendment

THAT the definition of "election communication" in the proposed section 55.1, as set out in section 25 of the Bill, be repealed and the following substituted:

"**election communication**" means a communication to the public by any means during an election period of a message that promotes or opposes a registered political party or the election of a candidate.

It includes the forms of advertising mentioned in the definition of "advertising expenses" in section 1, as well as posters, signs, leaflets and other promotional material.

It does not include the following:

(a) a communication made for the purpose of gaining support on an issue of public policy, or for advancing the aims of a group that is not a partisan political group, if the communication does not promote or oppose a particular registered political party or the election of a particular candidate,

(b) the transmission of a document directly by a person or a group to their members, employees or shareholders, as the case may be, or

(c) an editorial, debate, speech, interview, column, letter, commentary or news normally published without charge.

[French version]

*Il est proposé que la définition de "communication électorale" de l'article 55.1, énoncée à l'article 25 du projet de loi, soit remplacée par ce qui suit:*

*"communication électorale" Diffusion, sur un support quelconque au cours de la période électorale, d'un message favorisant ou contrecarrant un parti politique inscrit ou l'élection d'un candidat.*

*Sont compris dans la présente définition les formes de publicité indiquées dans la définition de "dépenses de publicité", à l'article 1, ainsi que les affiches, les enseignes, les dépliants et tout autre document de promotion.*

*Sont toutefois exclues de la présente définition:*

*a) les communications visant à obtenir l'appui populaire sur une question d'intérêt public ou à promouvoir les objectifs d'un groupe sans affiliation politique, si elles ne favorisent ni ne contrecarrent un parti politique inscrit précis ou l'élection d'un candidat précis;*

*b) la diffusion, par une personne ou un groupe, de documents à leurs membres, à leurs salariés ou à leurs actionnaires, selon le cas;*

*c) la diffusion d'éditoriaux, de débats, de discours, d'interviews, de chroniques, de lettres, de commentaires et de nouvelles qui se fait d'habitude gratuitement. ("election communication")*

***Motion presented.***

**Mr. Chairperson:** The amendment is in order. Shall the amendment pass?

**An Honourable Member:** No.

**Mr. Chairperson:** I heard no.

**Voice Vote**

**Mr. Chairperson:** Those in favour of passing the amendment, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** The amendment to section 55.1 as set out in section 25 of the Bill has been passed on division.

\* \* \*

**Mr. Chairperson:** Shall clause 25 pass?

**Some Honourable Members:** No.

\* (17:40)

**Mr. Chairperson:** Another amendment is being proposed.

**Mr. Doer:** I move

THAT section 25 of the Bill be amended by adding the following after the proposed section 55.12:

### **Guidelines**

#### **Guidelines**

**55.13(1)** The Chief Electoral Officer shall—after consultation with the election communications advisory committee referred to in subsection (2)—issue guidelines to assist third parties and others in deciding whether communications are included within the definition of "election communication" in section 55.1.

#### **Election communications advisory committee**

**55.13(2)** The elections communications advisory committee shall be the advisory committee established in section 4, with the addition of members representing media associations in Manitoba.

#### **Media representatives**

**15.13(3)** For the purposes of subsection (2), the members of the advisory committee established in section 4 shall identify media associations in Manitoba, and each such association may appoint a representative to the election communications advisory committee.

I would so move, in both English and in French.

#### **[French version]**

*Il est proposé que l'article 25 du projet de loi soit amendé par adjonction, après l'article 25 du projet de loi soit amendé par adjonction, après l'article 55.12, de ce qui suit:*

#### **Lignes directrices**

##### **Lignes directrices**

**55.13(1)** *Après consultation du Comité consultatif sur les communications électorales mentionné au paragraphe (2), le directeur général des élections établit des lignes directrices afin d'aider les tiers et les autres personnes à déterminer si les communications sont visées par la définition de "communication électorale" à l'article 55.1.*

##### **Comité consultatif sur les communications électorales**

**55.13(2)** *Le Comité consultatif sur les communications électorales est le comité consultatif constitué en vertu de l'article 4, plus des membres représentant les associations de médias au Manitoba.*

##### **Représentants des médias**

**55.13(3)** *Pour l'application du paragraphe (2), les membres du Comité consultatif constitué en vertu de l'article 4 déterminent les associations de médias au Manitoba, et chacune de ces associations peut nommer un représentant au Comité consultatif sur les communications électorales.*

#### **Motion presented.**

**Mr. Chairperson:** The amendment is in the proper order.

Shall the amendment pass?

**Some Honourable Members:** Pass.

**An Honourable Member:** No.

**Mr. Chairperson:** I heard no.

#### **Voice Vote**

**Mr. Chairperson:** Those in favour of passing the amendment, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed to passing the amendment, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division. This amendment to section 25 of the Bill has been passed on division.

\* \* \*

**Mr. Chairperson:** Shall clause 25 as amended pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** Those in favour of passing clause 25 as amended, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division, clause 25 as amended has been passed.

\* \* \*

**Mr. Chairperson:** Shall clause 26 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** Those in favour of passing clause 26, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clause 26 has been passed on division.

\* \* \*

**Mr. Chairperson:** Shall clauses 27 to 29 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** Those in favour of passing clauses 27 to 29, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clauses 27 to 29 have been passed on division.

\* \* \*

**Mr. Chairperson:** Shall clauses 30 to 33(1) pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

**Voice Vote**

**Mr. Chairperson:** Those who are in favour of passing clauses 30 to 33(1), say yea.



**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

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

**An Honourable Member:** On division.

**Mr. Chairperson:** Clauses 30 to 33(1) have been passed on division.

\* \* \*

**Mr. Chairperson:** Shall clauses 33(2) to 36 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Chairperson:** Those in favour of passing clauses 33(2) to 36, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clauses 33(2) to 36 have been passed on division.

\* \* \*

**Mr. Chairperson:** Shall clauses 37 and 38 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Chairperson:** Those in favour of passing clauses 37 and 38, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clauses 37 and 38 have been passed on division.

\* \* \*

**Mr. Chairperson:** Shall clauses 39 and 40 pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Chairperson:** Those in favour of passing clauses 39 and 40, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

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

**An Honourable Member:** On division.

**Mr. Chairperson:** Clauses 39 and 40 have been passed on division.

\* \* \*

**Mr. Chairperson:** Clauses 41 to 44(1) pass?

**Some Honourable Members:** Pass.

**Some Honourable Members:** No.

#### Voice Vote

**Mr. Chairperson:** Those in favour of passing clauses 41 to 44(1), say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clauses 41 to 44(1) have been passed on division.

\* \* \*

**Mr. Doer:** I think we have an amendment at 44(2), as proposed, and then we have an amendment at section 45.

**Mr. Chairperson:** Clauses 41 to 44(1) have been passed on division.

Shall clause 44(2) pass?

**Some Honourable Members:** Pass.

**Mr. Chairperson:** Clause 44(2) is accordingly passed.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division. There will be an amendment on clause 45.

**Mr. Doer:** I would so move

THAT section 45 of the Bill be struck out and the following substituted:

Coming into force

45(1) This Act, except sections 25 and 40, comes into force on January 1, 2001.

Coming into force: sections 25 and 40

45(2) Sections 25 and 40 come into force on the day fixed by proclamation.

I would so move the amendments in English and in French.

**[French version]**

*Il est proposé que l'article 45 du projet de loi soit remplacé par ce qui suit:*

*Entrée en vigueur*

*45(1) La présente loi, à l'exception des articles 25 et 40, entre en vigueur le 1er janvier 2001.*

*Entrée en vigueur des articles 25 et 40*

*45(2) Les articles 25 et 40 entrent en vigueur à la date fixée par proclamation.*

**Mr. Chairperson:** In both English and French, the amendment has been proposed.

**An Honourable Member:** Dispense.

**Mr. Chairperson:** Shall the amendment as proposed be passed?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

**Voice Vote**

**Mr. Chairperson:** Those in favour of passing the amendment to section 45, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** On division, the amendment to section 45 has been passed.

\* \* \*

**Mr. Chairperson:** Shall clause 45 as amended pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

**Voice Vote**

**Mr. Chairperson:** Those in favour of passing clause 45 as amended, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** Clause 45 as amended—pass. On division.

\* \* \*

**Mr. Chairperson:** Shall the preamble pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

#### Voice Vote

**Mr. Chairperson:** Those in favour of passing the preamble, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

\* \* \*

**Mr. Jack Penner (Emerson):** Mr. Chairman, before we deal with the final clause or reporting stage of this bill, I just want to put a few remarks on the record.

This bill takes away the fundamental rights and freedoms that most people hold very dearly. This bill takes away the enfranchisement of the freedom of the electoral process and to contribute into or participate in. I think this is the first time that I have seen in this province any government attempting to muzzle the involvement of the electorate to this extent.

I think it is unfortunate that this NDP party and the Leader (Mr. Doer) of this NDP party has

decided that he will bring down the hammer on the people of Manitoba and stop them from participating fully and freely in an electoral process that we have held dear since the formation of this province and indeed the country. I think it is a sad day for the people of Manitoba.

**Mr. Chairperson:** Shall the preamble pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

#### Voice Vote

**Mr. Chairperson:** Those in favour of passing the preamble, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** Preamble—pass. On division.

\* \* \*

**Mr. Chairperson:** Shall the title pass?

**Some Honourable Members:** No.

**Some Honourable Members:** Pass.

#### Voice Vote

**Mr. Chairperson:** Those in favour of passing the title of the Bill, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed, say nay.

**An Honourable Member:** Nay.

**Mr. Chairperson:** The Yeas have it.

**An Honourable Member:** On division.

**Mr. Chairperson:** Those who are opposed, say nay.

**Mr. Chairperson:** Title-pass. On division.

**Some Honourable Members:** Nay.

\* \* \*

**Mr. Chairperson:** Shall the Bill as amended be reported?

**Mr. Chairperson:** The Yeas have it.

**Some Honourable Members:** No.

**An Honourable Member:** On division.

**Some Honourable Members:** Yes.

**Mr. Chairperson:** Bill as amended be reported on division.

**Voice Vote**

**Mr. Chairperson:** Those who are in favour of reporting the Bill as amended, say yea.

That concludes the business before the Committee. What is the will of the Committee? Committee rise.

**Some Honourable Members:** Yea.

**COMMITTEE ROSE AT:** 5:49 p.m.