

**Third Session - Thirty-Eighth Legislature**  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**  
**Official Report**  
**(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Eighth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
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ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
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CUMMINGS, Glen	Ste. Rose	P.C.
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FAURSCHOU, David	Portage la Prairie	P.C.
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JHA, Bidhu	Radisson	N.D.P.
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## LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, December 9, 2004

**The House met at 10 a.m.**

*PRAYERS***ORDERS OF THE DAY****PRIVATE MEMBERS' BUSINESS****DEBATE ON SECOND READINGS  
PUBLIC BILLS****Bill 212—The Pension Freedom Act  
(Pension Benefits Act Amended)**

**Mr. Speaker:** Resume debate on second readings of public bills, Bill 212, The Pension Freedom Act (Pension Benefits Act Amended), standing in the names of the honourable Member for Burrows (Mr. Martindale), who has three minutes remaining.

**Mr. Doug Martindale (Burrows):** With the three minutes that are remaining, I would like to talk about this flawed opposition member bill and, particularly, raise some questions.

I really wonder if the Member for Springfield (Mr. Schuler) consulted with women in his caucus or consulted with women at all, because there seems to be a lack of protection in this bill for women. We know that a big majority, probably 80 percent, of widows are women. The spousal protection does not appear to be addressed. Now, if the members opposite want to correct me, I look forward to listening to their speeches. Any information that they have to put on the record to address this, I would be happy to listen to.

We believe that Manitoba's spouses are entitled to a joint-and-survivor pension upon retirement, and this should be addressed by requiring the spouses' consent before pension benefits can be transferred to an unlocked plan. I think if you look at our Minister of Labour's (Ms. Allan) Pension Act amendments, that you will see that that spousal protection is there.

In fact, this is a seriously flawed private member's bill. Our pension amendments are a big step forward and do protect spouses. Manitoba's spouses are the statutory beneficiaries of the remaining funds on the death of a former plan

member. It is unclear in the private member's bill if the spouses' automatic right to this death benefit would be protected.

I regret that I have run out of time, but I think I have raised some important issues. I look forward to listening to other members' speeches. Thank you.

**Mr. Glen Cummings (Ste. Rose):** I was listening to the member across the way's closing remarks, and he said he was looking forward to hearing the discussion from this side of the House on this bill. To be frank about it, I am not sure that we would be having any discussion about this bill or about the bill that the government is touting on their own behalf unless members in this caucus had taken up the cause, if you will, to look at the problem that is out there. For goodness' sake, there are people out there who are looking to members of this Legislature and they are saying, and I am not sure I agree with their interpretation, but they are saying the members of the Legislature freed up their own pensions, why would they not do that for members of the public. The fact is I would not call it a freeing up of the pension so I dispute a little bit the terminology, but the fact is members of this Legislature in the mid-nineties did change the structure of their pension so that it was more of a self-managed RRSP style. Whether we like that or not, we will leave that up to debate.

The financial experts across the way seem to have a lot to say. I will look forward to hearing them putting it on the record. The people that have approached me on this topic and on the issue of managing their pension benefits more in tune with their lifestyle and their lives are not people who obviously have large assets available to them necessarily. Some might, but they are people who are the hardworking citizens of this province who have been part of an organization and in many cases it is co-ops and credit unions where this has come forward, where they are putting in yeoman service for the company and believing they are contributing towards their self-sustainability when they step down from the workforce. What they are starting to realize is that the structure of some of the plans is such that they may have to make some serious decisions about their own future so that they might be able to access their pension opportunity.

What does that mean without speaking in code, Mr. Speaker? What that means is that there are certain individuals who are parts of specific plans that were brought to our attention where there is not uniformity across this country in how they can access them. People are literally moving into other jurisdictions, most notably Saskatchewan. I think that should be a source of embarrassment for the government. Not that I would ever be embarrassed to be a resident of Saskatchewan, but the fact is we in Manitoba, I would suggest, in our arrogance have always said we should be able to compete with Saskatchewan. We have always been better than Saskatchewan, but lately we are finding that Saskatchewan is moving past this province in terms of economic opportunity.

We are now looking at, getting back to the topic at hand, the pension benefits. People are moving into other jurisdictions so they can actually access some lump sum payment out of their benefits. I know all of the father-knows-best, mother-knows-best, government-knows-best approach that we have had over the years, and I am old enough I remember some of the debate that went on about the adjustment of the federal pension plan, the reaction of people at the time about being forced to contribute and whether or not they would be able to receive. It is universal across the country. What we are talking about here is not universal. We are talking specific responsibilities to individuals who have contributed over the years to a very specific plan.

I am very proud of the fact that this caucus was able to take this on as an issue. I will go on record right here and now to say that at first blush it was not an issue that I personally was seized of until I began to hear some of the personal comments that were coming from people in my own constituency who were worried about what they had got themselves into and how they might or might not be able to access it as they moved into their retirement years. I have heard far too many people lately talk about the fact that their retirement years were looked forward to with great anticipation and turned out not to be what they had hoped they would be. Some of that might be related to personal issues and health problems, but the fact is that in the society where we pride ourselves on the importance of the individual and individuality—[*interjection*]

\* (10:10)

Well, again, Mr. Speaker, I am getting lots of advice, apparently, from the financial experts on the government benches. [*interjection*]

**Mr. Speaker:** Order.

**Mr. Cummings:** Well, if the government wants to filibuster the opposition comments on this bill, I suppose that is their privilege, but all they are doing is reinforcing amongst a large number of pensioners out there that they believe that government knows best. Frankly, as one wag described the mentality of the current government, they are like the big brother who will always help the little old lady across the street in heavy traffic, but then he will not let go of her purse when he gets to the other side.

The problem is that we need, as lawmakers, to be cognizant of the aspirations of the individuals in our society, and there are people who believe and are able to prove that, in many respects, many of them would have to live to be 120 to be able to access the amount of money they believe they are entitled to receive out of their pension. So they are saying, and I would say with significant justification, that we would like to be able to access a chunk of that money.

But, interestingly enough, and this is why I have to smile at the response of the government ministers and the government speakers to this bill when they point to the rights of spouses. In many cases, historically, we believe that spouses are always the female half of the relationship. Therefore, they felt we were somehow overlooking the aspirations, the responsibilities that government has, and the real issue around whether or not spousal benefits would be impacted by this.

The fact is that this is an industry, in many cases, that we have been hearing from and dealing with where a vast number of the people are women. It is the women who have brought forward the issues in my constituency and have asked for some freedom in this area.

I will ascribe, without going into too much detail, some of the questions that these ladies brought forward. One lady told me that she has been in ill health for some time, but she will soon be able to start drawing her pension. She said, "If I cannot access some of that money up front, I will not live

long enough to do some of the things that I want to do during my retirement years."

Now that is obviously not the majority of the people who are wanting to get access to their pensions. But I think that sometimes we forget about the individual when we talk about how we manage things of this nature. I have had only one person, and many, interestingly enough, have spoken to me about this. I have only had one person who said, "Well, if you give me access to all my pension, I am going to blow it, and then I will be riding on the public purse anyway. I will end up on welfare."

That is very much a minority position out there among those who are looking to have access to lump sums out of their pension. But I think that attitude may have been prevalent in the minds of the government of the day when this topic first came up because they were adamant, and, in fact, were quite nasty about some of the comments that they threw across the way at our members about whether or not we had forgotten half of the population in this country, i.e., the spouses who are eligible to receive pension benefits.

In many respects, what we have forgotten is that, while we, in the eyes of many people in the world, are a significantly socialist-minded country, in terms of public access to—the most shining example would be health care, but universal pensions and universal care through a number of national and provincial schemes. But we have forgotten that individuals are responsible, as this same individual has made comment. He said, "Well, after all, I was smart enough to enrol and to pay and contribute the maximum to my pension plan all the time that I was working. Am I suddenly going to lose all of my intelligence, all my responsibility and all of my look-after-myself attitude once I become pensionable age?" Of course not.

I believe that, as members of the Legislature, we can legislate and we can protect. Every time we sit in this Legislature, we write more legislation with regulations attached to try and protect society, in many cases, from itself. Within reason, we have to also step back and say, when do individuals in society have an opportunity to go forward, make decisions and plan for their own future without the hand of government guiding their every step.

This is probably an example. The fact is that when we were criticized for moving forward with

this bill and with the discussion with those who are interested in making changes, what we suddenly saw was the government, "Oh well, we will introduce a better bill." They did not take that approach to begin with. What has happened is they dropped the ball. They did not think the people who were coming forward and asking for changes in the way that pension plans were structured, so there could be some relaxation of the benefits and whether or not a lump sum could be withdrawn, I think they thought that was a bit of a fringe group. I think they thought that was not a widely held idea. I think they thought that was only those who had deep pockets who said, "Well, if I blow half my pension, that will not affect whether or not I can live comfortably."

That is not the case. These are real, hard-working individuals, in the main, who have held jobs that we would consider blue-collar and in the middle of the income scale, particularly across rural Manitoba. I think that by bringing forward this bill we have helped focus the attention of this Legislature, and I will forever be grateful to the members on this side of the House who listened to their constituents who brought it to the attention of this caucus, who helped craft this bill and who now are standing in this Legislature to debate the benefits of change. No matter how loud the government squeals, it cannot avoid the fact that they ignored the fact of pension reform until it was shoved in their face by the opposition, and I hope they will contribute to the debate on this bill.

**Hon. Nancy Allan (Minister of Labour and Immigration):** It is a privilege for me this morning to put a few comments on the record in regard to pension legislation and in regard to the opposition's Bill 212.

I would like to take this opportunity to mention that it has been a very, very long time in Manitoba since we have seen any comprehensive review of pension legislation. The last pension review in Manitoba was under the Minister of Labour at the time, Mary Beth Dolin. This is the very first time that we have seen a comprehensive review, and I would like to thank the forefathers of the NDP, Tommy Douglas and Stanley Knowles, who fought for better working conditions and benefits for working people in this country. It is one of the reasons why we are able to have these discussions today about pension legislation.

Much has changed in the last 20 years since there was a comprehensive review. What we have today is an aging population, and we also have a society where people change jobs more often. Also, we have individuals with a greater interest and expertise who want to manage some of their own retirement finances.

\* (10:20)

What we have in the House today is kind of an interesting situation, where we have the government with a bill, Bill 10, that is a 45-page bill, a comprehensive review of pension legislation, and then we have a bill, Bill 212, that I think is about maybe five pages, and it focusses on one particular area of pension legislation.

The other difference, Mr. Speaker, is that Bill 10 was a comprehensive piece of legislation that had broad public consultation. That is a very important feature of our bill because the previous Minister of Labour, Becky Barrett, established a pension commission to do a comprehensive review in the year 2002. That commission went across the province, and there were written submissions invited from stakeholders and the public. It was on the basis of what we heard through those public consultations that we were able to bring in this broad bill. I think it is important to notice Bill 212, the opposition's bill, that bill there was no public consultation. It was cooked up in the back rooms, and it was, in response to getting a political wedge issue in this House. It is interesting that it really does only focus on one aspect of pension legislation.

There are 180 000 plan members in Manitoba, and our bill, Bill 10, our legislation, affects all of the plan members in Manitoba, all 180 000 plan members. Bill 212, the opposition's bill, pertains only to plan members who have a defined contribution plan and the unlocking aspect, Mr. Speaker. I think that when the general public has the opportunity to have a look at the two bills side by side they will see a real disparity in regard to pension reform. Our reform provides Manitobans with choices and flexibility in planning their retirement, whether or not it is a defined contribution plan or a defined benefit plan.

For example, the bill makes it possible for older employees, with their employers' agreements of course, to choose phased-in retirement. Instead of

having to choose between full-time retirement or continuing work, older employees now have a choice. They can receive a benefit while they continue to work reduced hours, and, at the same time, they can build up their pension plan. This is a very important initiative in our pension legislation, and I might add, there is none of that in Bill 212.

Our bill also provides new retirement options by making it easier for pension plans to offer what is known as ancillary benefits. Ancillary benefits are additional benefits that pension plans can offer all of their members. An example of that would be a disability benefit or a bridge benefit. That is in our bill, Bill 10, and there is none of that in Bill 212.

Our bill also makes it possible for pension plans to offer what are called flexible benefits. They are additional benefits that plans can offer individual members on an optional basis and the plan members pick those ancillary benefits off a shopping list. This is something that is going to be very popular with pensioners out there here in Manitoba.

Another area of flexibility that the bill addresses is the whole issue of unlocking, and the unlocking provisions in our bill pertain strictly to the defined contribution plans which I mentioned earlier, Mr. Speaker. There are 180 000 members in Manitoba that have pension plans. There are only 40 000 members that have defined contribution plans. We made a commitment in this Legislature earlier this year that we would provide seniors with flexibility, but in keeping with the pension promise, we would want pensioners to have a retirement income for life. What became clear in our consultations was there were many plan members that found the existing locked-in provisions were too inflexible, and they wanted to be able to unlock some of their funds in their defined contribution plans. There were some others in our consultation who were concerned that unlocking might be a concern in regard to how far that unlocking went.

So our challenge was to find a balance, Mr. Speaker: the desire for more flexibility in accessing funds with the need, once again, for a minimum retirement income. So we drafted our bill, Bill 10, to provide a balance, the desire for more flexibility with the rights of spouses to retirement income. Our bill, Bill 10, offers more flexibility with protections that guarantee a minimum retirement income but, most importantly, respect the rights of spouses. The bill

gives defined-contribution-plan members the right to unlock 50 percent of their pension savings from their LIF or RLIF, and the 50% level ensures a minimum retirement income.

I would like to thank the members of the Manitoba Society of Seniors and the management people we met with from the Credit Union Central. This fall, we had excellent meetings with them in regard to this delicate issue in regard to how to find that balance. I actually just met with them again on Tuesday, and I really wanted to thank them publicly in my speech today for the advice and the support that they gave us in regard to how to find this very tricky balance, and how to move forward on this issue of unlocking.

Our bill also requires that the decision to unlock funds must be an informed decision, Mr. Speaker. Plan members must be provided with information about the implications of this critical decision for their future retirement income. The bill also protects the rights of spouses by requiring the informed consent of spouses before any funds can be unlocked. This, for us, was of fundamental importance. It was also very important to the Manitoba Association of Women and the Law, who gave a report to the Pension Commission that were very, very concerned about how any unlocking provisions might affect women.

The bill also offers creditor protection for unlocked funds. This is a very important feature of this bill, Mr. Speaker, our bill, because when those funds are unlocked from a LIF or an LRIF, they go into a RRIF and when they sit there, they are protected from creditors and that is a very, very important feature.

I just want to mention, Mr. Speaker, that all of these features in our bill, there are none of those features in the opposition's bill, in Bill 212. There is no creditor protection, there is no spousal protection, there is no informed decision making and another very important feature of our bill, around the unlocking issue, is that all maintenance enforcement orders will be honoured. I know our new MLA for Minto, who was practising in family law and is familiar with family law legislation in this province, was very pleased to see that, because it is important that women who are in a situation where a pension is being unlocked, the maintenance enforcement orders must be protected. It is unfortunate that the

opposition's bill, Bill 212, has none of that protection in it in regard to maintenance enforcement orders.

Another feature of our bill, Mr. Speaker, Bill 10, is the age limit on unlocking, even our bill, the age limit is 55; the Saskatchewan bill, 55; Bill 212, the opposition's bill, there is no age limit on unlocking. It is really quite unfortunate that when they were cooking it up in the backrooms that they did not take some time to do a thorough review in regard to what pension legislation looks like in other provinces, and that is why we believe that our pension bill will stand the test of time. It is also an issue about basic pension rights, and our bill honours basic pension rights. None of those basic pension rights are in the opposition's bill, Bill 212.

\* (10:30)

Unfortunately, Mr. Speaker, it was written in a hurry on the back of an envelope to create a political wedge issue. Once again, you see the opposition not doing their homework. It is unfortunate that they would bring this bill in, and think that it is something that we would consider as good public policy, particularly when they were in opposition for 12 years. If they really cared about pension legislation in this province, they could have done pension legislation. The should-have, could-have would-have party, here we have them again throwing together a four-page bill in a big hurry and thinking that this is good public policy.

Once again, I would just like to mention David Christianson. He is the Dollars and Sense writer in the *Winnipeg Free Press*. He wrote an excellent article, and I would like to thank him for that publicly. I always enjoy reading David's articles.

He said in his article the other day, "At first glance it appears to me that the Manitoba government has hit a home run with its revised pension legislation announced Monday." Pension benefit changes, a home-run for the Province, Mr. Speaker. I would just like you to know that he is also concerned about spousal consent, particularly spousal and common-law partners: "Any such transfer-out would require informed consent of the spouse or common-law partner, as would be expected."

I want to thank David for writing that article. I want to thank the Manitoba Society of Seniors and the Credit Union Central, the Manitoba Association

of Women and the Law who gave us excellent advice when we were putting our bill together. This is a bill that is about much more than unlocking. It is about comprehensive pension legislation, good public policy, Mr. Speaker, that will stand the test of time. I know this might come as a very big surprise to the opposition, but we will not be supporting Bill 212.

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, I guess the Member for Burrows (Mr. Martindale) sort of brought up an issue with respect to our Bill 212. In his three minutes that he had remaining, he was talking about how our leader and the members on our side have neglected to talk to women about this bill and to consult with women. I take particular offence to that. I know that members opposite do not have a lot of faith in women to be able to manage their own affairs and manage their own money. I actually take particular exception to the member from Burrows and his comments, and I would suggest that maybe he could take a little bit of his own advice and actually go out and consult some women out there, because the thousands of people that we have had contact various members on our side of the House, most of them have been women.

I would suggest again that the Member for Burrows and members opposite maybe take a little bit of their own advice and actually consult women out there because, you know what? As a woman, I believe that I have the capability of managing my own affairs when it comes to money. I would suggest that many women out there, many women are professionals, they are mothers, they are doing all sorts of different things in the community. Most women actually run the books for their own household. You know what? I would suggest that in many cases women know better maybe. I should not say that. I will not go there. They know just as well, and are just as capable as men out there in managing their affairs. So I would suggest again that members opposite take a little bit of their own advice and actually consult women in the community.

I am going to stand up and take credit for Bill 10. I am going to do that today. I am really happy that Bill 10 has been introduced in this House. You know what, Mr. Speaker, I am going to take credit for it because, had our leader and had the Member for Springfield (Mr. Schuler) not brought Bill 212 forward, Bill 10 would never have even been introduced in this House. I think that is the sad part about all of this, the fact that members opposite take

our lead on many things. I am going to stand up and take credit for this because, yes, it is a step in the right direction, it does not go far enough, which is very typical of legislation that is introduced by members opposite. Some of it is going in the right direction; it just does not go far enough. So I am going to take credit for Bill 10 and would like to thank the Member for Springfield and our leader, the Leader of the Official Opposition (Mr. Murray), for bringing forward Bill 212 because had it not been introduced, we would never have seen Bill 10 come forward in this House.

Mr. Speaker, thousands of Manitoba pensioners have written to their MLAs and have lobbied for the change to the pension laws. Now we have Bill 10 coming forward as a result of Bill 212 being introduced. I would still say that Bill 212 is a much, much better bill than Bill 10. It is not that heavy-handed government that is very typical of this government. What we see is that this government feels that they know best how to run people's lives. They know best how to spend people's money. We believe, inherently, that people know how to run their lives best. They are responsible out there, and why not just open it up? If you are going to open up half of it, why not open up, why not unlock the pensions and allow them access to all of it? That is what our Bill 212 does, and that is where we believe that we should be going.

Let us talk about the national trend, Mr. Speaker. The national trend on this issue is moving away from restricted access and towards full freedom of pension fund management. Not only has Saskatchewan gone the whole way towards 100% access, but Québec, Nova Scotia, British Columbia and Alberta have moved towards freeing up access. Once again, we are one of the laggards. We are lagging behind everyone else, one of the last have-not provinces in western Canada. I would suggest that, for once, it would be nice if this government would stand up and actually move, not lagging behind other provinces, but actually be the mover and the shaker, be ahead of other provinces. But, no, that is not what this NDP government, this socialist government, is all about. Well, let us see what other provinces are doing. Other provinces are even moving in this direction, yet this government, and again, they are taking a step with Bill 10 in the right direction, but I would suggest that we need to go much, much further in Bill 10. Again, that is why I would support our Bill 212.



Mr. Speaker, Saskatchewan made the change in the fall of 2002. Since that time, there has been no mad rush to drain pension funds, so people are not just running out and spending all their pension funds because they have access to it. That is what this is all about, that we believe that people are responsible, but members opposite do not believe that people are responsible. Again, it is the heavy hand of government. They have to dictate to people what they can and cannot have access to. I think that is rather unfortunate.

The head of the Saskatchewan pension commission has stated that he has seen no evidence that the unlocking was the wrong move. Oh? Well, if it is not the wrong move there, why can we not do it here? Why can we not open it all up and allow these people access to their funds, all of their funds? So I think it is rather unfortunate. Giving pensioners a choice of how to manage their funds has created no crisis for Saskatchewan, so there is no crisis in Saskatchewan. It is just typical of this government to actually stand up and say, "We are nervous about—we cannot give women access to their money, oh no, no, no, because they will run out and they will spend it all." Like this shopping spree or something. It is so offensive, it is so offensive that this government actually believes that women are not capable.

**An Honourable Member:** That is the message you are sending.

\* (10:40)

**Mrs. Stefanson:** Yes, and you know what the former Minister of Health is saying: Do I actually believe that? Well the actions of this government speak louder than words, Mr. Speaker. Their actions suggest that they honestly believe that women are incapable of spending their own money, and they are going to run out and spend it all right away. I think that is rather unfortunate. I would suggest that the former Minister of Health maybe think twice about this issue and perhaps go out and consult some women in society on this issue. Because I would suggest that women are perfectly capable of managing their own affairs.

In fact, Mr. Speaker, there is anecdotal evidence to suggest that people nearing retirement age elsewhere are moving to Saskatchewan, moving to Saskatchewan for six months to meet the requirements that would allow them full pension

access. Saskatchewan is turning the corner. Why can we not? I think it is unfortunate. Saskatchewan is turning the corner, becoming a have province, whereas we here in Manitoba are still suffering as a have-not province. Manitoba is losing yet another competitive edge by not accepting full unlocking of these pension funds.

Again, we are going to continue to lose people, and it is not just young people; these are people in their retirement years. We are going to lose all of these people to Saskatchewan. To Saskatchewan. We cannot even live up to Saskatchewan's standards. We are the last have-not province in western Canada. Oh, there is something to stand up and be proud of. Well, I would suggest that the members opposite think twice about supporting our bill. It is the right thing to do to support this bill to unlock all funds, not just go halfway. It is very typical again of members opposite of doing this half-approach. I do not think I am allowed to use the other word in here, but it is sort of the glass-is-half-empty approach to government. I think it is very, very unfortunate.

Mr. Speaker, RSPs have become the most popular method of retirement planning. Those are fully accessible to Manitobans. Now, if this Doer government was truly, truly worried about access, then should they not be taking steps to protect Manitobans with RSPs? So what are they going to do next? Are they going to lock up everyone's RSPs because, "Oh we are afraid that everyone is going to run out and go on this shopping spree and spend all their money in one day?" I think it is absolutely atrocious, but that is probably what we will see from this government coming up.

Where is the pension promise for those Manitobans, Mr. Speaker? Where is the pension promise for those Manitobans? What about those people who will have access to their RSPs, and will run out and spend all this money, what about those people? *[interjection]* No, fears about full access and draining pensions has been a red-herring argument from this government.

Another argument that the government has thrown up and I have talked about this already today, but I find it just so offensive that I am going to mention it again, another argument that the government has thrown up against The Pension Freedom Act is that of protecting spouses, namely

women. Would it not surprise the NDP government to learn that the majority of Manitobans with locked-in pensions are women? If they look at credit union and co-operative employees, there are thousands of women employees who are looking for access. If the NDP government read the letters and petitions sent in, they would notice that hundreds of women signed those letters and signed those petitions. Manitoba's women pensioners want these changes as much as anybody else.

Spousal protection exists within the current Pension Benefits Act. Bill 212, The Pension Freedom Act, does not change that protection which already exists. To suggest otherwise is to be making false accusations as to the nature of this bill. It is a red herring, and Manitobans who have been calling our offices in support of 212 know it.

So I will conclude on that. I would, again, suggest and strongly promote the fact that women are in favour of this bill, and I would suggest that if the members opposite did their consultation properly with women out there they would realize the importance of this issue and the importance of our bill to women and women pensioners. Thank you very much.

**Hon. Theresa Oswald (Minister responsible for Seniors):** It is my pleasure to stand today to put a few words on the record, of course, to speak against Bill 212.

I note with interest the Member for Tuxedo's recent comments about consultation, consultation with women and consultation with Manitobans. I actually agree with her on this and, I will say in this House, on a number of things. What I feel curious about is the notion of consultation itself. While we hear wringing of hands and chirping from members across, I simply ask what were you doing for 12 years. What consultation was going on there?

Furthermore, we hear a lot of wringing of hands about unlocking and full unlocking and so on. By my calculation, Mr. Speaker, under the Tories, there was 100 percent locked in, 12 years. What are we talking about over there? On the other hand again, the Member for Tuxedo (Mrs. Stefanson) and I might come to some consensus about her feeling warm and fuzzy on the inside about taking some credit for Bill 10. I think I see where she is going with that, because during those dark, dark 12 years, she had not yet

been elected, she would not be stained by those 12 years of inaction, certainly. So I can understand why she might feel that way, I suppose, but I really do have some very strong questions.

Now, I do understand that during those dark 12 years, the Tories were very, very busy. They had a lot of nurses to fire. They had a lot of funding to take out of education. They had a lot of enemies to make of teachers. That takes a lot of time, over 12 years. I understand why they probably would not have time to go out and do consultation, consultation with women, consultation with men, consultation with seniors, consultation with Manitobans contributing to pension plans. Firing nurses and alienating people in education takes time. I can see why they would not have time to do a review.

However, we have, indeed, launched a pension review, the first review in 20 years, Mr. Speaker. Bill 212, that I am speaking against today, just does not even come close to touching the complex and vast issues that need to be addressed when we talk about pension-benefits reform. It really just zeroes in on one rather narrow area, and I really have to speak against that today.

Certainly, what I find lacking in Bill 212 is extensive, but, most importantly, Mr. Speaker, it is a notion of balance. This is a bill that just has not been thought through. It does not provide the kind of flexibility of unlocking. It does not provide the kinds of benefits, and it does not provide any sort of additional services for pensioners. It is very, very narrow, and really what I need to speak most strongly against is how unfortunate Bill 212 is when it stands up against what we would speak of as spousal rights. I am very concerned about Bill 212's total lack of protection for spouses.

\* (10:50)

Now, again, members opposite will say that women rightly know how to care for their money and what to do with their money and should be consulted. I would say, again, that we did a consultation. Twelve years, zero happened on the other side. Twelve years, 100 percent of pensions locked in. Now we are taking some action on this. I really do think that this is what needs to be said.

What is of great concern to us, of course, is also when members opposite raise the issue of what is

going on nationally. Certainly there is pension reform going on nationally, and members opposite cite what is happening in Saskatchewan. We certainly do look to the Saskatchewan experiment with interest and look to see when data is collected about what kinds of issues may or may not be arising there, but, again, Bill 212 does not contain any of the protections that exist in the Saskatchewan legislation.

So, while members opposite may speak about what is going on in Saskatchewan, it is very difficult for them to speak about that in connection to Bill 212 because 212 does not hold any of those kinds of protections which we certainly value. It is not just spousal protection and a very, very important notion of informed consent when it comes to unlocking, but it is also the issue of creditor protection, which is grossly lacking in Bill 212. Also, all of the issues surrounding maintenance enforcement protection, this is something that is very important to men, women and children in our province, and Bill 212 is empty. One might put Bill 212 up to one's ear and hear the sea. So we do not want to spend much time talking about that.

Certainly members opposite claim that we are not paying attention to what women have as to abilities to deal with their money, and I would suggest that they are clearly missing the point. We are not suggesting that we not give women access to their money. In fact, we are the ones who are talking about doing unlocking, again, 12 years, 100 percent locked in under the Tories. We are talking about unlocking, but we are talking about being careful, that, in particular, people or, statistically speaking, men, are not making decisions about women's pensions without their consent. This is the very important factor that Bill 212 absolutely lacks, Mr. Speaker, and it, in fact, would be a danger and an insult in our society.

Certainly there are many things about our Bill 10 that are much more flexible, much more balanced when it comes to pension reform, and I am going to be happy to speak as the Minister responsible for Seniors when that bill comes to debate, but at this time I will just say, to allow others to put comments on the record, that certainly as a Manitoban, as a woman, as a member of this Legislature, I could never support Bill 212. Thank you, Mr. Speaker.

**Mr. Cliff Cullen (Turtle Mountain):** I do want to take this opportunity to put a few items on the record

in regard to Bill 212. First of all, I want to acknowledge our Leader and the member from Springfield for bringing forward this important bill.

I think our role as legislators is very important, and I think we have to take that role seriously. When I was first elected, obviously the big issue was the BSE crisis, but initially there were some major concerns about pensions and pension reform. It really came from a number of areas all throughout my constituency, so I think it is a very important issue that we have to address. Really, when we look at the new act, The Pension Freedom Act, and I want to highlight that it is the freedom act. I think, in Manitoba, we are a democratic society, still, and we think we are. I believe it is important that we allow our public to have access to the funds that they have worked so hard to put together.

We have a large number of pensioners, and more and more people becoming close to pension age. We recognize the importance of having access to our hard-earned money. One of my colleagues pointed out this morning the health issues, and we never know what our health issues will be like in the future. If someone gets to the pension age and they realize they have very little time left, they want to have access to that hard-earned money that they have worked so hard over the years to get.

**An Honourable Member:** Unless you are an NDP supporter, and then you get a lot of money.

**Mr. Cullen:** Right. My job is to listen to the constituents, and my constituents are telling me that they need some pension reform so they can have access to their pensions. I also believe that Manitobans are qualified to look after their pensions. Both men and women, they have managed their money for years. I think they have an ability to look after their money when it comes to in terms of pensions. Not only that, we also have professionals available to us to advise us on some of these pension funds and how we can handle our pensions.

It was interesting to hear that Saskatchewan, as well as a number of other provinces have moved ahead and actually have moved ahead on their pension reform. Manitoba again, being probably the only have-not province in western Canada, we have to look at some of the reasons why we are a have-not province. I think one of the important issues is

pension reform, so that we can give some of that money back to our hard-working people.

We are going to certainly have a migration of people outside of Manitoba, and I think a pension reform will certainly help to keep the people in Manitoba. I think it is important that we unlock those funds, and make those funds available, not just 50 percent, but all those funds available to our hard-working people in Manitoba.

We as MLAs certainly lobby for change. We ask that the opposition take some time to fully consider Bill 212. Our opposition knew as government, for now, and obviously the national trend is moving away from the restricted access. We do want full freedom to manage our own pensions. As noted here, Québec, Nova Scotia, British Columbia and Alberta have all moved toward freeing up that access to those pension funds. We recognize that Bill 10, introduced a short time ago, is a good step. But again, that is only 50 percent of the pension funds. Obviously, we do recognize and the government recognizes that there is a need for some pension reform. We think it is a good first step. But again, Manitobans deserve access to the funds that they have worked so hard for over all the years.

Saskatchewan did make the change in 2002, and there has been no mad rush to drain pension funds. So I think that speaks to the point that people can manage their own funds. They know what is in their best interests. We should give pensioners a chance to show that they can manage their own funds.

**An Honourable Member:** We believe in our pensioners. They do not, Cliff.

**Mr. Cullen:** That is a fact. We believe in our pensioners. We do not need the heavy-handed arm of government there to monitor everything that we do. If the government is really worried about access, maybe they should be taking steps to protect Manitobans with RRSPs as well. Is that where the government is headed? Do they want to have that heavy-handed role as well?

**An Honourable Member:** Do not give them ideas.

**Mr. Cullen:** Maybe we should not leave that idea.

The fears about accessing, draining pensions is really just a red-herring argument from this

government. We believe, Mr. Speaker, that Manitobans, whether men or women, can manage their funds appropriately.

\* (11:00)

**Mr. Speaker:** Order. When this matter is again before the House, the honourable member will have nine minutes remaining.

Now we will move on to the motion that was brought forward by the honourable Member for Fort Whyte (Mr. Loewen).

## CONCURRENCE MOTION

### Standing Committee on Public Accounts Fourth Report

**Mr. John Loewen (Fort Whyte):** I move, seconded by the Member for Portage la Prairie (Mr. Faurichou),

THAT the Fourth Report of the Standing Committee on Public Accounts from the Second Session of the 38th Legislature, presented to this House on November 23, 2004, be concurred in.

#### *Motion presented.*

**Mr. Loewen:** This report that has been received by the Legislature on November 23 has within it a number of motions that were discussed, debated and passed unanimously at the Public Accounts meetings that were held on September 7 and September 8, 2004.

This issue goes back to 1999 when, on July 6, the Auditor General brought before the Committee on Public Accounts a total of six recommendations which he felt would bring the operation of Public Accounts closer in line with what was happening in other jurisdictions across Canada.

But also, more importantly, he brought forward recommendations that he believed would strengthen the role of the committee, allow the committee to operate in a non-partisan fashion and do the proper work, which the committee was originally established for, and that is to not only review the reports that the Auditor General had prepared but in a non-partisan way be able to ask questions regarding the reports and ferret out from witnesses infor-

mation that otherwise the Legislature would not be privy to, so that on a go-forward basis we would, hopefully, be in a better position to ensure that mistakes of the past were not repeated and repeated again.

*Mr. Conrad Santos, Deputy Speaker, in the Chair*

Mr. Deputy Speaker, there was agreement in that meeting in 1999 that a subcommittee would be established to look at these rules. I must say the subcommittee was formed. I think it might have actually met once, but, unfortunately, as we have heard from the Auditor General this year, virtually no progress has been made. Some minor variations were made to the rules, but, as the Auditor General indicated publicly this spring, we are in the dubious distinction of having the least effective Public Accounts Committee in all of Canada. That is not something that any member in this Legislature should be proud of.

Now I know from discussions we have had at Public Accounts that the government of the day, Mr. Doer's government, seems unwilling to move forward on further recommendations from the Auditor General, and I fail to see why. The only reason that they could have for not supporting these recommendations is because they are afraid of an open, honest and accountable process. In this House, we hear from them time after time how they want to be open and accountable to all Manitobans. Yet time and time again they are stifling attempts to move forward with progress in terms of how the Public Accounts Committee operates.

I refer the members back to motions passed on September 7, 2004, and I think the very first motion just speaks to how outdated the operation of our Public Accounts Committee is. Before each Public Accounts Committee, the Clerk's office circulates a letter indicating what may possibly be on the agenda, and informing members of the committee that if they have questions of any of the reports, if there is further information they would like from the Auditor General, or from government on any issues before the committee, that, for the convenience of the Auditor General and his staff, and for the convenience of government, that those questions are put in writing.

Yet, when that process is followed, when we actually get the Public Accounts, the only way to deal with questions that have been asked for and

submitted is to, somehow, get the government to pass a motion at committee that says those questions can be brought forward. You do not have to be an expert in public policy to understand how ridiculous that process and how backward that process is.

I am sure, Mr. Deputy Speaker, that you are fully understanding of how ludicrous that process is. If questions are asked for and sought and submitted, I would think that the first order of business when dealing with any report would be to deal with the questions that have been submitted in writing, and that is what people are prepared for. We will put that one aside, and, hopefully, the committee can deal with that.

The other motion that was passed on September 7, and I will quote, "That when matters under consideration for a particular Public Accounts Committee meeting have been determined, that the Chair shall notify by letter the administrative heads of organizations whose mandate relates to the Auditor General reports under consideration, requesting them to attend the meeting with such other officials from their organizations as they deem necessary to respond to questions that the committee may wish to ask them, and the above motion be referred to the House leaders and the House Rules Committee for consideration, and request the Rules Committee report back to this committee by September 30, 2004."

That was passed unanimously. That was passed at a time, and it still is, that the Finance Minister representing the government side of this House voted in favour, along with every other member of that committee, that this happen.

I mentioned at the time in committee, and I felt it strongly and I have been proven true, that the government of the day would, in fact, not call a Rules Committee, but they were so unwilling to deal with this issue, that this was simply an attempt by the government members on the committee to push this issue somewhere out into the distant future. In fact, that is what we have. In a hurried fashion, the Government House Leader (Mr. Mackintosh) called a meeting of the Rules Committee early this month because he was getting embarrassed, quite frankly, I believe, by not calling one. He did not even have the courtesy to check with the Speaker's office to see if the Speaker was available. As a result, the meeting had to be cancelled and moved back to this week, which I do not need to remind you, Mr. Deputy

Speaker, is the last week that this House will be sitting in this far-too-short agenda that we are on.

**An Honourable Member:** It is totally your fault.

**Mr. Loewen:** Well, the government Whip indicates that it is totally our fault. I would remind him that it is the Premier (Mr. Doer) that has the obligation and the opportunity to recall this House at any date, of any date of his choosing. We could have been here in September, October. We could have been here at any time during the fall.

Back to the matter at hand, Mr. Deputy Speaker. As we have seen, the Rules Committee has not dealt with this motion. I want to indicate to the House that this was a motion that was brought forward, the wording of which was given to us by the Auditor General. So, again, it was not a partisan motion, it was a suggestion from the Auditor General that we took up. The motion, as I read, has been watered down somewhat by amendments that were made by the government side, which is unfortunate. But in any event we, on this side of the House, agreed to it. But yet nothing happened.

Mr. Deputy Speaker, I know my time is limited, so I would like to move on to the motions passed on September 8, the first one being "That the Public Accounts Committee recommend to the House that PAC meet a minimum of 20 occasions each year and more often as required to clear up the backlog of reports before the committee".

This was done because we have a very, very large agenda. We have reports from two and three years which we cannot get at because the government refuses to call the Public Accounts Committee on more than four occasions during the year. Even when it is called, it seems to sit for very short hours at the government's request.

The second motion that was passed on September—and I would reiterate these were motions that were passed unanimously by members on all sides of the House, and in particular, these were motions that were voted in favour of by the Minister of Finance (Mr. Selinger). I mentioned it to him in a committee meeting, and I still remind him that, in my view, he has a duty of obligation to that committee to ensure that these matters get dealt with by his government. As a Minister of Finance, he is arguably

one of the most powerful and influential members of the government, and when he votes, along with other members of his committee on his side of the House for these motions, he has a responsibility to ensure that his government takes action and moves forward and brings the recommendations that he has voted for to fruition.

\* (11:10)

The second unanimous recommendation that was sent to this House under Rule 96(c) states, and I quote, "That the Public Accounts Committee recommend to the House that the committee's Chairperson and Vice-Chairperson be given responsibility for determining when meetings are convened, proposing meeting agendas and determining who to call upon to attend the meetings in order to answer questions from the members." Unanimously passed by all members of the committee.

Mr. Speaker, I think it is time that this House did the proper thing, that we voted to concur with the recommendations from the committee. That we stand up with the Auditor and recognize that our Public Accounts Committee is ineffectual, that it is hamstrung by archaic rules and by archaic methods of operation that make it virtually impossible for members of this Legislature on any side of the House.

I will remind members opposite that the Public Accounts Committee is designed, and it is in our rules, that it operate as much as possible in a non-partisan manner. Interesting that the recommendation that the Auditor General brought to committee, which I believe is a very good one, that the Minister of Finance (Mr. Selinger) be removed from the committee. This is the only Public Accounts Committee in Canada that has a seat for a minister of government at the table. We need to get rid of that to take the partisanship out of this committee operation.

That one recommendation that was brought forward in terms of a motion to this committee was voted down by the government of the day, voted down by the Finance Minister, and I believe, Mr. Deputy Speaker, that the Finance Minister should be ashamed of himself. As a matter of fact, he should apologize to the committee, to the Auditor General and to this House for not having the courage to do the right thing and remove himself from that committee so that our Public Accounts Committee could get into this century.

Mr. Deputy Speaker, just in closing, I would like to thank the Clerk and the table for the information that they were able to gather for the committee after these motions were passed by the committee. They went to considerable effort to research how public accounts committees operate across Canada. They did a very thorough job and presented that to each and every member of Public Accounts.

It shows clearly in their research that the reasons why the Auditor General has said repeatedly that this committee is ineffectual. It shows clearly what changes have taken place in other provinces and, in fact, within the government of Canada that allows public accounts committee to dig underneath the surface of reports and to ask important questions of department heads, of administrative heads of various government departments, in order to get at the underlying issues that the Auditor General is reporting to and for the benefit of all Manitobans, to ensure that once those issues have been dealt with once, systems are put in place to ensure that the same mistakes are not repeated over and over and over.

We have seen many examples of that in the House in this last three weeks. I mean the issues at Hydra House, and issues at Aiyawan and the issues at Pauingassi, the issues with the Child Advocate report.

These are issues that could be dealt with in a fundamental fashion at public accounts. There could be accountability to government to respond to requests from Public Accounts, but right now they are just kind of out there in this grey area, the government refusing to answer.

A particular example is the issue of Hydra House, where in order to get to the bottom of a very, very serious allegation of the mispending of taxpayers' money, we have the minister of the day, the now-Minister of Health (Mr. Sale), telling us that he never saw a report that was given to officials in his department that laid out in detail what that mispending was in 2000. In fact, he is saying he has never seen it. Well, we know, and we have been told that information was given to government. So where was the firewall put up? The responsibility of the Public Accounts Committee is to find out where the mistake was made and to find out in this case who is protecting who.

Why are there people in the department that withheld this information? We need those people to come forward. We need to ask questions. We need questions answered.

Well, and the member, as he often does, wants to try and deflect issues. But the real issue here is that we should all take very serious notice of the motions that were passed. We should all be prepared to stand up and vote to concur with the report from Public Accounts, and move forward. I would ask the government members to do the right thing to stand with their Minister of Finance (Mr. Selinger), to stand with the other members of that committee, the member from Elmwood, the member from Burrows, and others, stand with their Finance Minister as they did in committee, and have the courage to stand with this side of the House and vote for this motion. Thank you very much, Mr. Deputy Speaker.

**Hon. Steve Ashton (Deputy Government House Leader):** First of all, Mr. Deputy Speaker, in response to the comments put forward by the member opposite, I want to provide a little bit of a context in terms of Public Accounts and that context is—I remember it was not that long ago when a meeting of Public Accounts was about as frequent as solar eclipses. We were not debating the number of times in a year that Public Accounts met as a committee, we were debating whether it was actually going to meet in that year. I am, of course, talking about what I described in the Public Accounts Committee a few days ago was what the Tories would like to view as a lost decade.

Mr. Deputy Speaker, I know that the member opposite would like to ignore the experience of 1988 to 1999 in many areas. One of the areas was clearly in terms of Public Accounts because there was not, I think, by anybody's sense of things, any proper functioning of the Public Accounts Committee. Now I want to put that as an important area of context, because we have made significant progress. I believe we have a functioning Public Accounts Committee. We have moved into some new areas with the recent hearings, former ministers, for example, coming before Public Accounts.

*Mr. Speaker in the Chair*

I want to stress by the way, Mr. Speaker, that all members of this House feel that that is very useful. I remember numerous times as Opposition House

Leader in the 1990s urging the then-government to call Public Accounts. Did they call Public Accounts? They did not call Public Accounts with any frequency. When you go years without calling Public Accounts—I think before the member that introduced this resolution, if he was to have a proper resolution it should have started with the recognition that Public Accounts was, if not dead as a functioning committee in the 1990s, it was on life support. It was not an active committee of this House.

Then I realized, Mr. Speaker, we have had a tradition in Manitoba, probably more active consideration of Estimates than many other provinces. We used to consider Estimates for 240 hours. Perhaps that was seen as having some of the role that Public Accounts can follow. At one time, I believe, we had 360 hours of Estimates. But as we move to rules reform clearly the feeling was that Estimates needed to be streamlined. That took place, and I think there has been a recognition of the need to look at reform in terms of Public Accounts, which brings me to the fact that, again, this is not even context.

The members brought in a resolution that has no acknowledgement whatsoever of the fact that the Rules Committee is currently discussing Public Accounts. Mr. Speaker, I want to provide some background here because, throughout the nineties, there were various efforts to reform rules. I was involved as Opposition House Leader, the member from Burrows was involved, and the Deputy House Leader from our side, five years we discussed the item. That time, the only time the Rules Committee essentially was called was when there was an agreement, a consensus. What is interesting now is we are actually, as a government, calling a Rules Committee to actually try and achieve a consensus, to have proper consideration in terms of that. The bottom line here is not only are we calling Public Accounts we called the Rules Committee.

\* (11:20)

Now, I realize that the Member for Fort Whyte (Mr. Loewen) is perhaps not on that committee, and I was unable to attend the committee hearings the other night as well. But I checked. I asked what the Rules Committee is doing in terms of Public Accounts. They are looking at this very issue, the very issue raised in the Public Accounts Committee. There is representation from both sides, from all members.

I say to the member, to bring in a motion that leaves out the fact that the Rules Committee is actually looking at this, does he not go to caucus. Does he not talk to his House Leader? I wonder, Mr. Speaker, if he has been excluded from the Rules Committee so perhaps he feels he has to come into this House and appeal to members of the Legislature generally, shut out from his own caucus.

Given the member's rather rigid agenda on many issues, I respect the member's right to raise issues in the way he does. I note, for example, he has brought in bills that essentially called for the elimination of VLTs. I wonder at times whether that is the view of his own caucus, whether the member is a bit of a maverick, perhaps even a loose canon, at times. Perhaps I am wrong. Perhaps the Member for Fort Whyte speaks for his caucus.

For the member to stand and introduce a resolution and not give any recognition to the fact that the Rules Committee is, as we speak, actively reviewing this. The member said there was a meeting the other night, and this issue was not resolved. There is right now a process that has been set up that involves his own caucus in terms of dealing with Public Accounts. Did he not check with his House Leader? Did he not check with his Chair? They are both part of the discussions; they are both part of the committee.

Mr. Speaker, I want to be careful again, because I respect the right of every member of the Legislature to bring in a motion in private members' hour. Indeed, one of the significant areas of progress, I think, we made in terms of rules reform is that we now have an ability for private members to have more of a significant role. I believe there is probably need for an even further role in terms of this because my view is we do not just have the Public Accounts Committee, we have other committees of the Legislature. I felt that there is a greater role that we could see for all members of the Legislature in all of the committees, making sure that they match some of the developments that have taken place in other jurisdictions, including the House of Commons.

Mr. Speaker, I want to remind you of one thing. I mentioned about what the background in terms of Public Accounts is. I want to mention something else as well, and that is that the tradition in this House, for a very good reason, has been that rule changes



are brought about through consensus. The Member for Inkster (Mr. Lamoureux) knows that he was one of those who was involved in significant discussions in the 1990s.

I want to say to the Member for Fort Whyte (Mr. Loewen) that it is important to recognize—and I have had the opportunity of being in government, being in opposition, being third party in this Legislature. A number of members have had that opportunity. It is important to recognize why we have a consensus-based approach. It is because we do not want to see a day where we have the kind of rule highjackings that we have seen in other jurisdictions without a consensus-based approach.

I want to say, Mr. Speaker, if anyone doubts the progress we have made, I think we have moved dramatically towards a more sane sessional calendar sessional calendar, the last number of years through consensus. We have rationalized Estimates through consensus. We have improved our finance provisions, our Supply provisions through consensus. I have every confidence that we can continue to improve the Public Accounts Committee through consensus. Consensus comes from something that maybe the Member for Fort Whyte does not understand, does not practise. It comes from discussing. It comes from identifying possible solutions. It then comes to working through a process where everyone can agree, and that is what is taking place right now. There is a consensus process.

When I look at this particular motion, I am sure other members may wish to respond, but let us put on the record, Mr. Speaker, that we have come a long way from the 1990s, that lost decade that the Tories would like us to forget, when we had virtually no function of the Public Accounts Committee. Where under this government, and working with the opposition, we now have a functioning Public Accounts Committee that is moving in new areas in terms of calling people before the committee.

I have every confidence that through the consensus-based rules process that we have developed, and the working group that is in place to look at Public Accounts as we speak, that we will see further progress in terms of Public Accounts.

My suggestion, frankly, would be, if the Member for Fort Whyte was to really look at what is happening right now, he might look at withdrawing

this resolution, because that may have given him an opportunity to grandstand in the House for 10 to 15 minutes, but what will make a difference in terms of Public Accounts will be the hard work of the people who are part of that process. The Opposition House Leader (Mr. Derkach), the caucus chair, the members of all parties in this House, will do the real work, will not be grandstanding, and I suggest, Mr. Speaker, that maybe the member from Fort Whyte should either try to become part of the solution in this particular case, perhaps ask to be let onto the rules committee, maybe its members will not let him on, but not to be part of the problem. Because I think anyone in this House that thinks we are going to have an improved Public Accounts Committee through an adversarial approach, in terms of rules change, is wrong. We need consensus.

We can improve Public Accounts, and I believe we will have further improvements with what has been set up. This motion is completely and absolutely unnecessary, and I would say untimely. If I was the member from Fort Whyte, I might want to talk to my House Leader and my caucus chair, and consider withdrawing it and get involved with being part of the solution instead of being part of the problem.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, I move, seconded by the Member for Inkster (Mr. Lamoureux), that debate be adjourned.

*Motion agreed to.*

**Mr. Speaker:** Now we will go to second readings of public bills.

## SECOND READINGS—PUBLIC BILLS

### Bill 201—The Legislative Assembly Amendment Act

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I move, seconded by the Member for River Heights (Mr. Gerrard), that Bill 201, The Legislative Assembly Amendment Act, be now read a second time and be referred to a committee of this House.

*Motion presented.*

**Mr. Lamoureux:** Mr. Speaker, it is with great pleasure that I bring forward Bill 201. I think Bill 201 sends a very strong message to the government

of the day, and that is that their attitudes toward this Legislature have been full of just disrespect. We want to encourage this government to look at the importance of accountability from within this Chamber, and to acknowledge that this bill will go a long way in ensuring that this Legislature will be respected by making it mandatory that we sit 80 days in any given calendar year. I think that that is a very important part, or rule, that would go a long way in ensuring more accountability. Having said that, over the last little while I have heard and had opportunity to have many discussions related to this issue. I have had some media reports, and I have some concerns in regard to the government, it is proposing and how they try to complicate the issue.

\* (11:30)

Mr. Speaker, I personally look at 2003 and the number of days that we sat. I find that it is totally and absolutely unacceptable that a government would sit so few days inside this Legislature. Indeed, I am sure I did not go back a hundred years, but I can tell you I went back a number of years, and I could not find a calendar year in which a Legislature sat for so few days given the economic times and the political times of the day that it was not appropriate to be sitting so few days in 2003.

In 2004, we are not going to really be doing that much better, Mr. Speaker. We will not hit 60 days. Again, if you talk to Manitobans as a whole, they expect more of their government, that we should be sitting more days than this government has chosen to sit. What they see is a government that has no respect for this Legislature.

I, along with my daughter and my wife, had a night here at the Legislature in the Rotunda. We had taken that particular idea of having a protest in the Rotunda from the Premier (Mr. Doer) when he was in opposition. At that time, he recognized the importance of the Legislature, and he had his caucus colleagues sit in that Rotunda to complain about the former administration not sitting enough days.

You know, I would argue that the Leader of the Opposition back then was in fact right, that we should have been sitting more days. I can tell you, Mr. Speaker, Mr. Filmon sat more days than this government has sat in terms of the calendar years. I think the Premier and the Cabinet ministers, in

particular, but all the New Democratic caucus, those individuals that sat in the Rotunda on that particular day really and truly need to reflect on why it is they chose to stand behind the Leader of the Opposition of the day and protest the lack of sitting days back in 1999. I think it is important that those individual members should be talking about this in the Cabinet or inside their caucus room.

What offends me greatly is the Government House Leader (Mr. Mackintosh), how he tries to give justification for the number of sitting days. He tries to say, "Well, you know, the member from Inkster is trying to portray that we are lazy." Mr. Speaker, the reality is that, yes, they are lazy, but at no point in time have I said that the only work that MLA does is inside the Chamber. It is not a question of are you doing work outside of the Chamber at all. I am not going to question that. What I am questioning is the need for us to ensure that the Legislature is sitting inside this Chamber.

Mr. Speaker, what the Government House Leader has also said is look, you know, we sit more in committees. We sit more committee times, and so forth. I do not have the resources to get that confirmed. I suspect that is not the case, that they have not sat more in committees than previous administrations, but even if I take the Government House Leader for granted, I mean, if I assume that his numbers are right and that he does sit more in terms of committees, that still does not justify sitting 37 days in one year and less than 60 days in another year, in terms of the Legislature.

The Government House Leader says maybe what we need to do is we need to reshuffle it and say if we sit in committee that should be counted as a day of sitting. Mr. Speaker, I am amazed on how this Government House Leader has taken a complete 180-degree turn on democratic principles. This is the same Government House Leader that I saw walk across the floor during the MTS debate and start slamming and waving his hands saying that this is an affront to democracy what is happening inside this Chamber. I can remember the Minister of Water Stewardship (Mr. Ashton), the member from Thompson, speaking as the House was adjourning and saying, "We are going to continue debate whether the House wants to continue or not, or whether it is adjourned or not," as opposition MLAs stood inside the Chamber, even though the Speaker

was walking out. Why? Because they recognized the value of being inside this Chamber and the role this Chamber plays in terms of accountability and responsibility.

Mr. Speaker, all of those courageous moments, whether it was the Premier (Mr. Doer), the Government House Leader (Mr. Mackintosh) or the member from Thompson, when they were in opposition and standing in defence of the importance of this Legislature and its sitting, seem to have evaporated. I look to these individuals to reflect on the types of things that they did when they were in opposition, and then look at the actual number of sitting days. Do not try to sidestep it. The Government House Leader could stand and say, "Well, you know what we could do. We could have a standing committee meet 80 days a year from nine in the morning till eleven o'clock, and then we are providing that accountability, and reduce the number of sitting days from 37 to, let us say, 16, enough to cover the Throne Speech and the budget." Does that then mean there is more accountability?

The arguments that the Government House Leader (Mr. Mackintosh) brings are completely bogus. There is no validity to the arguments. That is why I often wonder, when I hear the comments from the Government House Leader, where he is coming from. I really do not understand how a party who likes to say that they are democratic can honestly stand in their place and try to say that what they are doing in terms of inside this Legislature is respectful. We see bills that the government brings in at the last minute and then goes to the opposition, combined opposition, and says, "Look, we want to see these bills passed. They have to be passed, and this is the reason why." It is a hurry-up.

The member from Thompson talked about rule changes and how they are better. Well, the member from Thompson is very much aware that in the nineties and the late eighties we would have four private members' hours, a private members' hour on a Monday, Tuesday, Wednesday and Thursday. You had resolutions, and you had bills that were being debated. Were they voted on? Well, at least they were being debated. Again, I have seen how effective those opposition days and the private members' hours have been in my short time span from since the last provincial election, and they fail, fail miserably in comparison to the way in which it was.

Mr. Speaker, the 240 hours down to a hundred hours. Again, at one time you would even see some government members asking questions of ministers. Yes, there is a need for change, but the pendulum of democracy within this Chamber has gone way too far over. [*interjection*] Way too far over to the left, as one member has pointed out. We need to bring it back. We need to ensure that there is more responsibility, that there is more accountability that takes place inside this Chamber.

What Bill 201 does is it helps to set the framework. What we need to say is that, look, 80 days is a given. We have to sit at least 80 days. The way in which those days are put into place, whether it is 50 days in the spring/summer and 30 in the fall, and so forth, well, those are all things that could be put into a sessional calendar and be very easily taken into account. But let us at least agree on the principle that Manitobans deserve to have accountability in government, and the best face-to-face accountability outside of an actual 33-day campaign is inside this Legislature. It is not the Premier (Mr. Doer) being on CJOB having his town hall.

These are the types of fundamental issues of democracy, and this government has chosen to stand aside and sit on their hands and abuse it. That is what I find so very offensive, that the government of the day has now recognized that there is a need to make some changes, once again, to the rules. I was at the Rules Committee. I listened to the list that was being provided by the government. I will suggest that all members of this Chamber, in particular the New Democratic caucus, look at what the government has put on the table. What issues have they put on the table? Well, issues like quorum, issues like the number of signatures on a petition, issues in which they feel, maybe, that they want to change because they do not like what the independents are doing inside this Chamber.

\* (11:40)

I hope and I trust that the members that review the rules of this Chamber are going to be reviewing it in a sense of today they are in government, tomorrow, believe it or not, someday they will not be in government. There was even a time in which they were the third party inside this Chamber. I can tell you when we were official opposition, we were exceptionally generous to the opposition, where we, in essence, virtually gave them anything and

everything that they wanted. I would challenge, whether it is Jay Cowan or the member from Thompson or other members, the member from Elmwood, to come and tell me what we did not give them, because we recognize that even though they were a third party inside this Chamber, they had an important role to play in terms of democracy.

Mr. Speaker, some would say, "Well, you know, you only have two members; you do not have four members." Well that is a no-brainer attitude to bring to this Chamber. The provincial Liberal Party has garnered substantial support for every provincial election and deserves the right to be respected inside this Chamber.

**An Honourable Member:** You have got to earn it.

**Mr. Lamoureux:** One member from the government says, "Well, you have to earn it." Well, Mr. Speaker, you have to earn respect too. This government has to earn respect too. I will tell you, I would welcome the member from government who is heckling this to enter into any sort of a public dialogue with myself, and he can pick the crowd. Even at a New Democratic annual general meeting, I would take my thoughts to it and he will find that he is off base, that what this government is doing is wrong when it comes to democratic principles.

So I truly believe that there is room for improvement. What I hope is that when we sit down to review these rules, issues like this bill will be open, the other ideas that are being brought forward by the official opposition, by the members of the independents, or the Liberal Party, by the government will, in fact, be treated as much as possible in a democratic function, in the true meaning of the word democratic, and that, at the end of the day, Manitobans as a whole will benefit because there will be a higher sense of accountability and responsibility within this Legislative Chamber.

I truly think that there is a great deal of room for improvement. In some areas we are doing better than other provinces. In other areas we are doing worse than other provinces, Mr. Speaker. I believe, much like we now have an elected Speaker, and that is a positive thing, that there are other things that Manitoba can be doing to lead the way, such as fixed elections, possibly, is another thing, fixed election dates. I think there are already three other provinces

that have gone that way. We are things that we can be doing that would make democracy work that much better in our province. I am very glad to be able to introduce this bill today. I hope and trust that, at some point in time, there will be a vote on this bill, and I look forward to that date.

**Mr. Doug Martindale (Burrows):** I am pleased to put a few remarks on the record regarding Bill 201, The Legislative Assembly Amendment Act. The Member for Inkster and I have been in this Chamber approximately the same number of years. He started two years before me and then missed four years and came back. So I have been here about 14 years, I think he has been here 13 years. So it is interesting to look back and to have some perspective on having been here, in the case of the Member for Inkster, as a member of the official opposition and as a member of a third party and as an independent member. I have been here on the opposition and on the government side.

I remember that, after Sharon Carstairs left here, she wrote a book. I have not read it yet. My friend Myroslaw Tracz loaned me a copy of the book, my Liberal friend, but I have not had a chance to read it, yet.

I do remember Sharon Carstairs being interviewed on CBC Radio, and one of the things that she objected to about this Legislature was the process by which we pass legislation, especially on the last night of the session. She strenuously objected to the fact that we pass numerous bills on the last night of the session. Well, I find that particular critique not very helpful because those of us who are here at the time know that happens by leave. If somebody wanted to have the session come back for the next day or two or three days, all they have to do is deny leave. If someone objects to us passing, say, 20 or 30 bills at third reading on the last night, it is because of a choice that they make. They decided that they agreed to it. If they do not agree with it, then they should deny leave, and we could come back for another day or two or three days, and achieve the goal which Sharon Carstairs, I believe, was trying to articulate, and that is of passing legislation in an orderly manner, and a manner which allowed for sufficient debate.

I think this Member for Inkster (Mr. Lamoureux) would understand that many things happen here by leave. For example, almost on a daily basis, we allow

his leader to respond to ministerial statements by leave. This happens frequently in this Chamber. For example, after the 2003 provincial election, the opposition members could have kept us here all summer in Estimates to approve the budget. Instead, we sat for one day and by agreement, we deemed that the budget was passed, and that was with the consent of the independent members because they must have to agreed to do that by leave.

The member's memory is rather short. On the one hand, he agrees to something by which we sit for fewer days, and then he introduces a private member's bill to encourage us to sit longer. I do not think you can have it both ways. I do not think you can agree in this Chamber to not sit and then introduce a bill and get media interviews and have a demonstration in the Rotunda objecting to the fact that we do not sit often enough. You cannot have it both ways.

Now we do have new rules, and I think that the new rules are beneficial to the opposition. In fact, there are always trade-offs when it comes to rules. I have been on the Rules Committee, as the Member for Thompson (Mr. Ashton) pointed out. We had an ad hoc rules committee that met for approximately five years from 1990 to 1995. We brought in a new sessional calendar and provisional rules for one session. One of the major changes was a spring session and a fall session. The idea was that the budget would be passed in the spring. Legislation would be introduced in the spring, and be debated and passed in the fall. I am just going by memory here, and my memory may not be the best, but my memory is that it lasted one session, and then the government decided they did not like that so they scrapped it and we did not repeat it.

We are back at rules again, and we are doing it quite differently. We actually had the Rules Committee meet first instead of the ad hoc committee meeting and negotiating for five years, as the Member for Inkster (Mr. Lamoureux) will remember. I think he was on that committee with me. Now we struck the Rules Committee and empowered a subcommittee to meet and to make recommendations to the Rules Committee. I think that is a good way to go about doing it. In fact, the one thing that I agree with that the Member for Inkster said was there is room for improvement. I think there is always room for improvement here, and we are looking forward to some new ideas.

I think we have made some improvement and there have been trade-offs. For example, in the past, the opposition had the power to delay legislation. There was always a saying here or an aphorism that the government starts the session, the opposition ends it. In the past, the opposition had basically an unfettered ability to keep the session running as long as they wanted. I believe that in the 1980s, there was a session that ran for 13 months here, in the early 1980s. The opposition thought that they had a big issue, thought they had the government on the ropes. French language, I am reminded, was the issue.

However, you and I know, we all know when we are sitting here in the summer, keeping the session going really had almost no effect. In fact, I think the member from Springfield discovered that, and others, when they kept us here until August 17 one year, and then they went back to their constituencies on weekends, and people said, "Oh, I guess you adjourned in June." They finally figured out that people do not pay attention to politics in the summer in Manitoba. The opposition gets less media coverage, so there really is no advantage to the opposition to continue here in July and August. It is to the advantage of the government to conduct business when there is less media scrutiny and less public scrutiny.

The opposition gave up their ability to indefinitely extend the session, and actually, I think, to the disadvantage of the government, the session starts earlier. It will be starting in March 2005, and it means that there will be more government scrutiny, there will be more media scrutiny, and more public scrutiny of the government's legislation and budget. I think that is a good thing. People will be paying attention. It is to the advantage of the opposition, they are going to get the public paying attention, the media paying attention in March, April, May, June, which I think is much better for the opposition than July and August.

\*(11:50)

I think everyone here would agree that the changes have been beneficial to us personally and especially to our families, because now we can plan a summer vacation with our families, especially those members who have children in elementary or high school, and I think that is why there was all-party agreement. In fact, it was really quite amazing that the rules that we are under now were agreed to in a matter of two or three months. That is quite

different than some of the Rules Committee changes that took years to negotiate in the past.

Also, one of the changes, and here, again, I am going by memory, is that when we sit in the fall for the Throne Speech we are also debating legislation. My recollection of the 1990s was that we often came in, only dealt with the Throne Speech and then adjourned, and came back on budget day. We may have dealt with legislation occasionally, I do not recall that happening every session. Then, as you will remember, the Member for Inkster (Mr. Lamoureux) will remember, we were called back at the discretion of the government. So on one occasion the Filmon government did not call us for a session in the fall, in November or December, waited until the budget in the spring. So they ducked, they did not want to face the Legislature.

**An Honourable Member:** That is the year we were in the Rotunda.

**Mr. Martindale:** I think we had a press conference in the Rotunda, the Member for Inkster (Mr. Lamoureux) reminds me. In fact, I think I had a question. We had a mock Question Period in the Rotunda because there were no Question Periods in the Chamber. But there has been an improvement. Now we must sit in the fall according to the current rules, and we must sit in the spring. So we have actually made progress. I think even the Member for Inkster would agree that having a required session in the fall is a good thing.

We both agree that we want to make this place more democratic. We want to make it more accountable, and we are moving toward that. We have got a Rules Committee that is going to work on that. I think basically we are becoming more inclusive, even though the independent members do not have party status, we have included them on the ad hoc Rules Committee. In fact, the Member for Inkster is on that committee. So we are trying to be inclusive and include his ideas. We know, of course, that he is going to co-operate and suggest good ideas, and there would be a consensus on the ad hoc committee that will come back to the Rules Committee. There will be unanimous consent, we will have new rules and make progress on a number of things.

Finally, to conclude, Mr. Speaker, I think the major problem that the Member for Inkster (Mr. Lamoureux) has is that he is not part of a recognized

party in this Chamber. He is only an independent member, and if he really wants to solve that problem then he will go out and get more members elected and be an official party. Then he will have staff, he will have a budget, he will actually have somebody being able to do research for him, so he can give better speeches and prepare speaking notes for him, since we know that he never uses speaking notes.

I think a lot of his complaints have to do with his status as an independent member, and independent members are quite powerless in this Chamber. I would recognize and acknowledge that, but I think the remedy is not to get special privileges for independent members and make changes because they, independent members, are unhappy with their status here. The solution is for them to go out and elect more members so that they have a minimum of four, so they are recognized as a party. That would be the best possible solution for this member, presuming, of course, that they do not target Burrows as a seat, but why would they do that anyway? Go out, work hard, get four members and a lot of your problems will be solved.

But we look forward to the report of the Rules Committee when the subcommittee has finished its work, and I am sure there will be democratic improvements that the Member for Inkster and all of us will agree with. Thank you.

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, there is clearly a need and imperative to have more accountability for people in Manitoba, the Legislature sitting last year only some 37 days. This year, I think it will be when we complete today, we are going to be less than 60. That is clearly not enough.

I mean, there were rules, changes, a set of rules that would have given a framework for us to be able to operate better, but the NDP government chose to start the Chamber late this fall, not until the 22nd of November. The net result is that we will have insufficient time in the Legislature to hold this government adequately accountable and to raise issues which are very important in a day-to-day sense to people all over Manitoba.

It is important that we have a minimum of 80 Question Periods because the back and forth in Question Period is a fundamental part of the demo-

cratic process of bringing issues forward. When there are delays, as we had this year a five-month hiatus between when the Legislature sat in June and when we came back at the end of November, it is not good for democracy. It is not good for the government. It is not good for the opposition. It is too long a period when there are too many issues which are not getting the kind of public attention that they clearly deserve.

At the moment there are a huge number of issues. I have never seen so many issues building up, because of the incompetence of this government, which we are not able to adequately bring forward because of the short length of time in which they have confined us to the Legislature and to the debates in this legislative Chamber. The reality is that there are a lot of issues which should be brought forward.

I had a meeting quite recently with a number of people from Grand Rapids who have been trying to get a settlement of injustices done when the Grand Rapids Dam was built 40 or more years ago. They have not had attention. Nellie Morrisseau and many others who have brought these issues forward who were personally affected when bulldozers came in on property that they owned, and there has never been a recognition by this government of the terrible injustices that were done at that time. That needs to be remedied.

There are major issues as we see day to day in health care, but because of the inadequate length of time that we have in the Legislature, asking questions, bringing issues forward, many of these are not receiving the attention that they need to have and that they must have if we are going to have improvements. Issues of child poverty and issues of crime. We had a debate the other day about how many policemen we should have, but we should be spending a lot more time, because the root causes of crime, the high rates of child poverty, the need to address in better fashions issues around mental illness, are certainly things that need to be addressed, and this government is failing day after day after day to adequately address and to pay attention to.

There is a need for much better accountability when it comes to health care. There is a need, as we have seen day to day to day, to pay attention to issues and because we are not in the Legislature for sufficient time, not only for Question Period, but member's statements, to resolve and improve the way the Public Accounts Committee functions, we have continuing problems which are not being adequately addressed.

The MLA for Burrows said that at the end of the session, it requires leave. Well, the resolution of June 8 of this year means that when we come to the end of the session in the middle of June in 2005 you will not need leave. That was a terrible, terrible attack on the democratic process. That resolution of June 8 will live in infamy. It is a nefarious resolution which cut down the principles, ordinary principles of making sure that legislation is adequately dealt with.

I am sure that, when it comes to the next election, the people of Manitoba will remember what this New Democratic Party did, because no longer will you necessarily need leave because of the nature of that awful resolution, the resolution of June 8, which says no matter what else happens the bills will roll through. You no longer even need leave. It was a terrible attack on the democratic process, and that is why we in the Liberal Party opposed that resolution of June 8, partly because it would mean that we were not coming back until November 22, we were not going to have adequate days in the Legislature, but partly because it put in place some very bad practices in terms of the operation of this House. What should have happened is that the government should have made sure—

\* (12:00)

**Mr. Speaker:** Order. The hour being twelve noon, we will recess. When the matter is before the House, the honourable member will have nine minutes remaining.

The hour being twelve noon, we will recess and reconvene at 1:30 p.m.

**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, December 9, 2004**

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