

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

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

**Vol. LX No. 4 - 6 p.m., Wednesday, May 28, 2008**

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

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**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON JUSTICE**

**Wednesday, May 28, 2008**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

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

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

**ATTENDANCE – 11 QUORUM – 6**

*Members of the Committee present:*

Hon. Messrs. Bjornson, Chomiak

Mr. Borotsik, Ms. Brick, Messrs. Goertzen,  
Jennissen, Jha, Ms. Marcelino, Mr. McFadyen,  
Mrs. Mitchelson, Mr. Reid

**APPEARING:**

Mr. Kevin Lamoureux, MLA for Inkster  
Hon. Andrew Swan, MLA for Minto  
Mr. Blaine Pedersen, MLA for Carman  
Mrs. Myrna Driedger, MLA for Charleswood  
Mr. Cliff Graydon, MLA for Emerson  
Mr. Ralph Eichler, MLA for Lakeside

**WITNESSES:**

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

Mr. Brad Dowler, Private Citizen  
Mr. Trevor Maguire, Private Citizen  
Mr. Dale Smeltz, Private Citizen  
Mr. Luc Lewandoski, Private Citizen  
Mr. Don Watt, Private Citizen  
Mr. Jack McLaughlin, Private Citizen  
Ms. Doreen Bilodeau, Private Citizen  
Mr. Brent Olynyk, Private Citizen  
Mr. Jim Spencer, Private Citizen  
Mr. Rick Negrych, Private Citizen  
Mrs. Karen Boughton, Private Citizen  
Mr. Keith D. Boughton, Private Citizen  
Ms. Georgina Jarema, Private Citizen  
Mr. Jae Eadie, Private Citizen  
Mr. Jeff Plantje, Private Citizen  
Mr. Andy Sirski, Private Citizen  
Mr. William Gould, Private Citizen

Mr. Stefan Paszlack, Private Citizen

Mr. David Jacks, Canadian Federation of  
Students

**WRITTEN SUBMISSIONS:**

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

Leslie Porteous  
Joe and Joan Chamberlain  
Diane Cameron  
Brian Higgins

**MATTERS UNDER CONSIDERATION:**

Bill 14–The Criminal Property Forfeiture  
Amendment Act

Bill 26–The Legal Profession Amendment Act

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

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

Bill 39–The Court of Appeal Amendment Act

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

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**Mr. Chairperson:** Order, please. Good evening,  
everyone. Will the Standing Committee on Justice  
please come to order.

As was agreed in the House on May 26, this  
committee will sit this evening until midnight. As  
was also announced yesterday in the House, this  
committee will meet again tomorrow in this room to  
consider these bills starting at 6 p.m. and ending at  
midnight.

This meeting has been called to consider the  
following bills: Bill 14, The Criminal Property

Forfeiture Amendment Act; Bill 26, The Legal Profession Amendment Act; Bill 35, The Statutes Correction and Minor Amendments Act, 2008; Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, The Elections Finances Act, The Legislative Assembly Act and The Legislative Assembly Management Commission Act; Bill 39, The Court of Appeal Amendment Act; Bill 40, The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act.

We have a number of presenters registered to speak this evening listed on the sheets before each of the committee members. That list is also posted on the notice board at the entrance to this committee room. Before we proceed with the presentations, I will ask for your patience, as we do have a number of small items and points of information to consider.

First of all, if there is anyone else in our audience this evening that would like to make a presentation and are not currently registered, perhaps they could see the staff at the back of the committee room here and we'll add your name to the list. I would note that our rules state that after midnight on the third evening of presentations, we can no longer register presenters on bills. So we are able to accept registration on these bills until midnight tonight.

I would also note, for the committee's information, that the Clerk's office made special arrangements today to increase the capacity of their voice mailbox to facilitate a potentially larger volume of messages.

Members are no doubt aware that we've had a large volume of presenters registered to speak to bills this session, and I would like to take a moment to thank the members and staff of the Clerk's office, Pat Malynyk, Karen Kawaler and Arlene Finkel, for their hard work and dedication in recording and tracking all of the information required to maintain these lists. This process would not work so smoothly without them, and I want the committee members to know of their efforts and that their efforts, I'm sure, are appreciated by all committee members.

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

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

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

\*(18:10)

This committee had previously agreed to hear out-of-town presenters first, and I do note for the information of committee members that we have an additional out-of-town member, No. 60, Brad Dowler, whose name appears on your list.

Written submissions on Bill 37 from the following have also been received and distributed to committee members: Leslie Porteous, Joe and Joan Chamberlain, Diane Cameron and Brian Higgins. Does the committee agree to have these written presentations appear in the *Hansard* of this committee? [*Agreed*] Thank you to committee members.

Just prior to proceeding with public presentations I would like to advise members of the public regarding the process for speaking in committee. The proceedings of our meetings are recorded by our good folks, *Hansard* folks, sitting behind me here and it's a verbatim transcript of all the comments that are made in this committee hearing.

Each time someone wishes to speak, whether it be an MLA as a committee member around this table, or a member of the public at the podium, the Chairperson first has to indicate that person's name and that is a signal for our *Hansard* folks to turn their microphones on and off.

I thank you for your patience and we'll now proceed with public presentations.

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

**Mr. Chairperson:** The first out-of-town presenter we have, as I've indicated, is Brad Dowler. Is Brad Dowler with us this evening? Good evening, sir.

Welcome. Please come forward. Do you have a written presentation, sir?

**Mr. Brad Dowler (Private Citizen):** No, just oral.

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

**Mr. Dowler:** Well, thank you, Mr. Chairman, and members of the committee, ladies and gentlemen. I'd like to thank you for giving me this opportunity today. It is indicative of the democracy that we enjoy and appreciate here in Canada. I'd like to make a presentation in regard to Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act—if I may.

I'll be dealing with a couple of points. Please excuse me if it sounds rather random and disjointed but as being a schoolteacher, I find that sometimes that keeps people awake even longer.

As I say, my name is Brad Dowler. I am a resident of Anola, Manitoba. I teach high school here in the city of Winnipeg. I taught for the last 24 years. I teach Canadian studies, history, political science and things of that nature. So this particular act has become quite an interest to my students and myself as we take a look at trying to gain a little bit more of an interest from our youth in the political process and involvement in politics and the governance of our country.

The first thing I'd like to bring to your attention is the second Tuesday of the month of June, I believe, is the date that is being proposed for the set election date. For our school anyway, and I do believe that this would be the case for a number of other schools, this date creates quite a conflict in what is happening in our schools in regard to gaining involvement from the youth in the political process, albeit that most of them are not of the voting age at this point in time, being before grade 11 and grade 12. Still, the fostering of interest in the students is tantamount to getting our young people to be good, involved citizens later on.

With provincial and departmental exams being held in some cases in the first week of June, and I know at our school our first exams this year are on June 13, it pretty much creates a situation that, why should I care, I have something else to do and that is studying for exams and doing well at school. I know that, at our school, I conduct a number of programs and exercises with students who are involved in doing volunteer work with political campaigns and

such. This will basically—this will not be an issue anymore. I will not be able to do it. I'll have to wait for federal elections which, hopefully, would be called at a much more conducive date. May I suggest, lowly schoolteacher giving a suggestion to you—I understand the irony—but may I suggest perhaps in September or October being a little bit more conducive to the schools.

Having been involved with the Library of Parliament and, to an extent, with the Parliament of Canada with some of my work and positions, our biggest concern right now is the fact that youth aren't involved. They're not voting. As we go up the age in the demographics, we find old people are voting more, of course. That's cause they're concerned, but the young people are disenfranchised, as far as I'm concerned. They don't feel a connection. They don't see a validity in what you, ladies and gentlemen, are doing in the Manitoba Legislature and with their lives. I think setting up a voting date when it would be their time to voice their opinion when it would become extremely difficult for them to get involved with the issues and what is going on, is just once again, setting up a playing field where they're not important anymore. So I would beg the committee to please take that into consideration.

My other concern about the fixed-date election is—and I, once again, draw your attention to the fact that we live in a democratic society. It is one thing that many of my students are quite impressed with because they are immigrant students, and they see that we play on a level playing field, that everybody has the same vote, whether they be a rich man, poor man, a woman of great prestige or somebody who nobody has ever heard of. They all have the same vote. With that democracy comes a level playing field. But I do notice that in the fixed-date election material here that the current government does not have to adhere to that date for the first election. They may call an election, as they have been able to throughout history.

I draw the committee's attention to a great celebration that we had on the very steps of this Manitoba Legislature yesterday, honouring the advent of democracy in the Ukraine and how important that was to Ukraine which had lost democracy at least six times and now they have it back, and that's good. I have a student in my classroom who is an immigrant from Ukraine. She's thrilled at the Manitoba government's reaction to the presence of the President of Ukraine.

But with democracy being a level playing field, does this not, then, make the playing field unequal by the current standing government being allowed to choose their next election date, even though that this legislation will be brought into effect? I think that a true indication of a commitment to democracy, a true indication of a commitment to a level playing field, would be to adhere to the date that they are asking all the other parties to adhere to from henceforth.

In moving on to the section in regard to funding of political parties based upon the number of votes that they have received in the prior election. I'm basically giving you a lot of the interpretations of this act from my students, who feel that they are disenfranchised, who feel that they are separate. In their pessimism, this is just one more time that the politicians are helping themselves out, that parties are serving themselves, that it's just another tax, and why should I vote because it's going to mean that that party gets more money? This pessimism that I have with some of my students that I battle with, this particular part of the legislation, once again, just kind of fuels that.

One of my students came up and said, well, you mean that if my party really kicks in this election, I can get a lot more money per year for the next number of years to hold power? I said, well, yes, that's basically what it means, is that the party that gets the most votes will be getting the most funding over the next number of years. He said, well, how is that democracy? That's not a level playing field. You mean certain votes are now worth more than other people's votes. I'm just telling you what my students are saying and how can I explain this to them.

In regard to the political advertising restrictions or non-restrictions, I kind of take a viewpoint, personally, that we probably get too much anyway. So I can understand the government's position on maybe wanting to try and control some of this a little bit. Let's be honest, it doesn't matter which party is in power, it's going to be a partisan-type mailing to begin with, and so I can fully understand that.

Where I do have a problem is that it's kind of like the teachers at my school setting wages and hiring practices. I believe that this is a situation that should be at arm's-length, that if we are going to vet, if we are going to look at material that is mailed out, if we are going to look at advertising, it should be an independent party. It should not be party, political, but an independent group of people who have no vested interest in any one political party or the other.

Set standards, most definitely. I believe that we need standards. But in the interests of keeping it democratic and a level playing field, should we not have people whose interests are not vested in this advertising and in these mailings? Should it not be separate from them?

\* (18:20)

The same thing can be applied to the lobbyists section of the act. Once again, it says that the Cabinet will define the rules. Well, yeah, that's what a government is supposed to do. They're supposed to set the rules, but should they apply them in this case. Should we not have an arm's-length group that will take care of that, rather than—it doesn't matter which government it is. To be honest, it doesn't matter whether it's NDP, Green Party, Liberal or Conservative. We're all going to be having a little bias spin, because we believe that our way is the right way. It's very difficult to get away from that bias spin.

Back to my students—all they see is the bias spin. Everything that they see in here has something that is serving one particular party or one other particular party. What they would like to see is that level playing field that I've talked about, that it's true democracy that we've been celebrating.

I really have nothing else for the committee. I'd like to thank you so much for taking the time to listen to me.

**Mr. Chairperson:** Thank you very much, Mr. Dowler, for your presentation this evening. Question for the presenter?

**Mr. Rick Borotsik (Brandon West):** Thank you, Mr. Chairperson.

Mr. Dowler, your school has made an excellent presentation this evening, so you can pass that on to the students, if you wouldn't mind.

**Mr. Chairperson:** Mr. Dowler, you have to wait, sir, first for me to recognize you; otherwise, your microphone won't be turned on.

**Mr. Dowler:** I apologize. One of my students will be presenting. I believe she's on the list. She's the immigrant from the Ukraine, so she'll be quite good.

**Mr. Borotsik:** Thank you, we look forward to that.

Two questions, the first one about the unlevel playing field which is referred to as the vote tax, the political contribution to political parties by the taxpayers of the province of Manitoba. The unlevel

playing field is accepted. I can understand, certainly, with your presentation how you and your students would arrive at that.

Would it, in your opinion, be better if, in fact, there was a cap placed on those political contributions? It would be our position that we not have those contributions at all but, if they are to go forward, there'd be a cap.

For example, you talk about the unlevel playing field. The Liberals in the last election will receive approximately \$60,000, based on a formula. If it was capped at that \$60,000 and everybody was treated equally, all three parties or four parties or five parties, however many could comply under the legislation, if it was capped at that 60, would that be a more fair level playing field than—

**Mr. Dowler:** Pardon me, I'm sorry. I'm used to being in control of my classroom. That's my rule. It's my way or the highway.

Certainly it looks fair, but I think where my students are coming from is that their tax dollars are going towards funding political parties. I think the way they would rather have it is that they would get the opportunity themselves through solicitation by other parties, through membership in a party, albeit whichever party that is, and say, you know what? That's the party I'd like to support. There's the party that I would like to give my \$1.25 or my \$20.00 or my \$50.00, rather than having the government tell them—it doesn't matter which party is sitting—rather than having the government itself tell them, you are now supporting these parties.

**Mr. Borotsik:** Thank you. You say the vote tax fuels the political cynicism that your students find out there, and I appreciate that.

You also referred a couple of times to the youth being disengaged. It's not something that we aren't familiar with; we recognize that age between 18 and 25 is certainly not engaged in politics. It's very difficult to get students or that demographic to be excited about politics. As I say, there's a cynicism out there.

Is there anything that you can tell us now that, in your opinion, what your students have told you, that could be enhanced by politicians today, that would engage them in a more positive fashion?

**Mr. Dowler:** I think what the Manitoba Legislature has done recently is in regard to their Teachers' Institute, educating teachers—and that's through the

Minister of Education and Training—I found that, with my students, if it's important to their parents and it's important to the teachers, it now becomes important to the students.

We have a little saying at our school—our principal is kind of a cynic in and of himself—that 75 percent of what we do is educate parents and that we're actually teaching parents, rather than students. If I can get my students engaged, suddenly their parents start to vote.

So it's a question of making it accessible, teaching teachers basically, and teaching society what the legislature's all about. For years, it's been this veiled inner sanctum, in that what actually goes on that building.

I have friends who live in Winnipeg that know where this building is but have never been in it, all the shame to that. Where we seem to be going now, more openness and more desire to educate the masses seems to be the way to go. As people understand things more, they seem to become less disenfranchised to it.

**Mr. Kelvin Goertzen (Steinbach):** Thank you, Mr. Dowler, for spending some time with us this evening.

I have the opportunity to receive e-mails from some of your students sometimes asking questions about the legislative process and my role in it and I appreciate that. I know you have something to do with that in encouraging them to do that. I always enjoy getting the e-mails and responding to them. I also agree with you that the Speaker's office who's brought forward the Teachers' Institute is doing a tremendous job and is a good service to teachers and to Manitobans.

My colleague from Brandon West suggested or was asking about how we can get young people more engaged in the political process. Do you see a distinction between—you mentioned a lot of immigrant students that come into your classroom. Are they more likely to try to get engaged in the process or is there something we can learn from students who are maybe coming from other countries in terms of their interest in the political process?

**Mr. Dowler:** They're actually more likely to get involved because they know what it's like not to have it. When they arrive in our country, they're in shock at the complacency that we have. We live in a blessed country. We're very, very affluent in comparison to other people in the world, my case is

the exception. But in that they know what they didn't have, now they've got it, and there's an appreciation for that. I think with a lot of our society—and I blame the parents; I blame the schoolteachers; you can blame the kids as well—that we've become complacent. We don't know how good we have it.

So there has to be that selling, and parts of this legislation aren't really selling it. They're actually pandering to that cynicism that's there. Oh, yeah, it's just this thing again. It's going to take a really big sale just to get these young people to actually appreciate parliamentary governance and legislate the aspect of having the right to vote and such. I don't believe that this act is really helping that in any way. I think it's actually detrimental to that.

**Mr. Kevin Lamoureux (Inkster):** To briefly follow up on that particular comment, I think that you're right in the assessment and quite often maybe we think because we're in Manitoba, Canada, we just take our democracy for granted. That's why I especially appreciate the interest you've expressed and how you share your interest with your students and would love to see more teachers doing that.

I want to pick up on one point that you made reference to in terms of fixed election dates because this is something I think is really important in terms of getting more people to participate. We've heard from people from the rural community. When I say the rural, I'm thinking in terms of the farmer. We've heard from young people indicating that fall would be better.

The problem that we have is that the Premier (Mr. Doer) has always said, you know, four years, we're going to go four years. The last election was in June. So that means he wants to add four years, then works out to June of 2011. The question that I have for you: As someone as knowledgeable as you are in regard to the political system, what would you advise the Premier? Because he's on the record saying he wants to go four years and that's the reason why June was selected. I don't think he's—in your opinion, would it be a mistake for us to go on that four years for the first time? Should we go the extra few months? I've suggested that we could have it on October 25, just as a date. Are we better to go the extra few months in order to have it in the fall time in your opinion?

**Mr. Dowler:** First of all, the four years, I think is fine. I think what we're dealing with, in my opinion, is the specific time of the year may be wrong. But the Premier, if I can be so bold as to make any

criticism, again, must remember that the people elected him and not me, so his opinion would weigh much more than mine in that he doesn't have to follow that first June, second Tuesday in June. He can call an election earlier if he wants to. So I just turn it back to you that your scenario of waiting for the four years really doesn't apply because he does not necessarily have to listen to that four years.

**Mr. Lamoureux:** Yes, but would you suggest to the Premier, then, that he should have it in October whether it's 2011, 2010?

\* (18:30)

**Mr. Dowler:** I'd like to have it in May if it would serve the government better. I mean I'm one person and I will admit that I can be running along with blinders, just like anybody else. I've come here on a more personal, self-serving purpose in regard to how it affects my students and how it affects my programs with the school. If May would be better, fine. If October seems to fit well, great. September, fine as well. I'm coming from a farming family and when you're talking about when harvest is happening, face it. Farmers are never free, so figuring out when the harvest is going to be and how that's going to affect the voting turnout and things like that, I've always kind of thought of that as being just a little bit too easy in that farmers are always busy. It doesn't matter what day of the week or what month of the year.

Would it be better in October? I can't say if it would be or not. Would it be better in May? Certainly both dates would be better than the one in June.

**Mr. Chairperson:** Mr. McFadyen. We have a very short amount of time, one short question.

**Mr. Hugh McFadyen (Leader of the Official Opposition):** Yes, one question.

Thank you, Mr. Dowler, for the presentation, obviously, and for making the effort to engage your students in the process. It's an important part of the education process to have students engaged on these issues and expressing their views.

I want to ask you, you made one point in the presentation about MLA mailing privileges. You made a comment about feeling that maybe there's too much of this stuff going out, and I know there have been some complaints. The Premier (Mr. Doer) has made comments about federal mailings going out. It



would seem to me there are two ways of dealing with that problem.

The traditional way has been that MLAs have had unlimited mailing rights because it was thought that it was an important principle that MLAs, as elected officials, don't have any barrier between themselves and the citizens that they represent in terms of communications. In the event that an MLA or a party or a party caucus is abusing that privilege or sending too much mail or sending things that people don't find interesting or useful, it would seem to me that the voters and citizens would have a remedy, and that is that, the next election, to vote against that MLA or party.

The other option is to set up an independent bureaucracy to get in the middle of all this and try and sort through it and try and control it. I wonder if, given we've got two good options for dealing with the problem, one is, let the voters decide what they approve of and what they don't approve of, or, put a bureaucracy into the middle of it. I wonder if you can just express a view as to which you would prefer.

**Mr. Dowler:** Well, actually, in relating to too much mailings, that doesn't include me. What I mean by that is is that I love getting the stuff. I'm the political geek kind of a guy. Whatever you've got, I'm going to read it, and I enjoy it. I just think that sometimes the multiple of mailings and the skew that sometimes that they take of partisanship, that sometimes it plays into the hands of the pessimism that the public holds. Sometimes I think that some of the mailings that I get, and it doesn't really matter from which party, that sometimes its purpose is not to educate but rather to tell you everything that the government is doing wrong and to put a negative spin on it, or to tell you everything that the government is doing right and put a positive spin on it, to the point where you are not too sure what the truth is and what the truth isn't. I don't see that that's education so much as giving you all the theories and now, decide for yourself. I think there's got to be more to it than that.

Do I believe that we should have mailings? Most definitely. I think that that's part of the educating process. Do I believe that there should be a body who is determining what can and cannot be mailed out? I do have a little bit of a problem with that because now we're infringing upon the democracy aspect. But, if there's going to be a control anyways, I would rather it not be under the control of the people who are actually producing it.

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

The next presenter we have on our list is Trevor Maguire. Good evening, Mr. Maguire, welcome. Please come forward.

Do you have a written presentation, sir? Give us a few moments and we'll distribute it to committee members first.

You may proceed when you are ready, Mr. Maguire.

**Mr. Trevor Maguire (Private Citizen):** Mr. Chairman and honourable members, it is a privilege for me to be able to address this committee. This is my first time to attend this kind of committee meeting and I must say that I have been favourably impressed.

I was impressed by the passion and principled conviction of Sidney Green and the sincerity of Sam Uskiw and Nick Ternette. They all rightfully condemned the proposed section 6.1 of The Legislative Assembly Management Commission Act. Section 6.1 provides that the commission will censor the content of communications from elected MLAs to their constituents. I humbly wish to join these senior statesmen in condemning censorship of elected representatives in a free and democratic society.

As you know, the opposition MLAs are provided with three provincially paid mailings annually so that they can report to their constituents. The new legislation will require that these communications must be not partisan. It is fundamental to our democratic government that the opposition MLAs have a duty to oppose and criticize the government. To do this, the MLAs must be able to provide reports to their constituents that have not been censored.

Under the new legislation, the government-dominated Legislative Assembly Management Commission would decide what is partisan. It is really hard for me to imagine that there is any real difference between content that is in opposition to the government and content that is partisan. The new section would enable the government to ban content that is in opposition to the government simply by saying that it is partisan.

I am neither a politician nor a reporter. My comments are based on my personal experiences and observations. I have a Ph.D. in Engineering and I am one of the owners of a company here in Winnipeg

that builds specialized equipment for large hydro companies around the world. We have completed projects in 25 countries, including 30 projects in mainland China.

As a result, I have spent many months in remote regions of China where there is nothing to read in English except the *China Daily News*. The *China Daily News* is truly a product of censorship. It never contains any criticism of government programs or policy. Its content is bland and basically serves no useful purpose.

It is hoped that some useful purpose will continue to be served by letters from opposition MLAs to their constituents. However, if these letters cannot criticize the government agenda, then what useful information will they contain?

A *Free Press* editorial on the weekend said that the government spends at least \$11 million per year on, quote, flattering government communication campaigns, therefore there's no need for the opposition MLAs to describe government programs.

The three annual letters from MLAs are fairly expensive. We should all hope that elected MLAs will be able to give uncensored reports to the voters that elected them.

\* (18:40)

A committee of the government has no business telling elected MLAs what they can or cannot report to their constituents. There are roughly 400,000 households in the province and roughly half are represented by opposition MLAs. Therefore, whenever the opposition sends out one of their three mailings, they are entitled to mail roughly a couple of hundred thousand letters. Accordingly, each mailing corresponds to the possible expenditure of about \$100,000 for stamps and letters. In total, three annual mailings would allow the opposition parties to provide uncensored communications worth at least \$300,000 per year. Roughly, \$270,000 worth of that is available to the official opposition. Section 6.1 would censor all of this communication.

The only offset in the legislation to this reduction of \$270,000 in a non-election year is an increase from \$50,000 to \$75,000 in the maximum amount that a party can spend out of its own funds on advertising. Therefore, under this legislation, the amount that can be spent on uncensored communication by the official opposition in a normal

year will drop from about \$320,000 per year to about \$75,000 per year.

The \$75,000 annual limit is trivial even with respect to the cost of mailing a single leaflet to the 400,000 households in the province. In order to do that, a stamp would need to cost about 15 cents.

It is the duty of the opposition parties to keep the public informed of the government's agenda and to provide criticism. Often the media is helpful in that regard. However, the opposition parties should not be forced to depend on the media to report their views accurately to the public.

The proposed law goes against basic principles of our democratic government wherein Her Majesty's Loyal Opposition has a duty to oppose the government. The law will make it virtually impossible for the opposition to go directly to the public with effective, uncensored communication.

The government has never received a mandate from the people to cut away at the basic underpinnings of our democracy.

Every day on the masthead of the *Globe and Mail*, you will see a quote from Junius. Junius sent letters to the editor in Britain on the development of democratic rights in the same way that Dickens commented on social problems. One of Junius' letters contains the following quote: "We owe it to our ancestors to preserve entire those rights which they have delivered to our care; we owe it to our posterity not to suffer their dearest inheritance to be destroyed."

The government's intentions are clear to anyone who is willing to see. Censoring the letters of MLAs will only make Manitoba a less democratic place. The government should withdraw the censorship provisions contained in the proposed section 6.1.

Thank you for receiving my submission.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Maguire.

Questions from committee members to presenter?

**Mr. Lamoureux:** I do have one question, and it's almost like a bit of a pet peeve of mine. I have a business card, and I believe I'm the only one where this censorship committee has decided that it's too political. I'm interested in knowing if, in your opinion, it's too political. On my business card it

says, Deputy Leader of the Liberal Party. Do you think that those business cards should not be printed?

**Mr. Trevor Maguire:** Why shouldn't people know that? You want to put it on. Fine.

**Mr. Goertzen:** Thank you very much, Mr. Maguire, both for your presentation and for your work in the community, and as a businessperson here in the province of Manitoba. We appreciate it.

A question regarding—you raise the issue about the right for MLAs, or the duty actually, to go forward and tell Manitobans what's happening in the Legislature, and I think that you're absolutely right on that. I think there's another part of that equation that is sometimes overlooked by government members, perhaps more in this situation, and that is the right for individuals to hear about what's happening in the Legislature. It's not just simply my right, as an MLA, that's being impinged upon. I'm as concerned and perhaps more concerned about the right of constituents to hear what's happening. Would you agree with those comments?

**Mr. Trevor Maguire:** Absolutely. I mean, how can you have a democracy if people cannot receive reports from their MLAs? I mean it's basic.

**Mr. Goertzen:** Thank you for that.

The other question also—I have a great deal of faith, as I'm sure you do, in the ability for Manitobans to sort of see through things perhaps that are transparent, and one would think that if mail was going out from an MLA that was either overly partisan or perhaps wasn't as forthright as perhaps the government members or opposition members might think it is, I would have the faith that Manitobans would see it for what it is and that they might just choose to punish that particular politician, whether it's a city councillor or an MLA or another level of government in the subsequent election. Do you have that same sort of faith in Manitoba that perhaps we're trying to regulate common sense that Manitobans already have?

**Mr. Trevor Maguire:** I totally agree with that. There are a lot of people who look at these mailings, and they're already kind of disillusioned with them. I mean, I've got to say it, you know, but what are you going to do? Tell people they can't send out mailings and people shouldn't be informed? *[interjection]* Yeah, I know.

People need to be informed about what's going on. I totally believe that people can look for

themselves at the content of these mailings and decide just the same as they decide at an election time who they're going to vote for. It's up to the people to decide what's the truth.

**Mr. Borotsik:** Mr. Chairman, through you to Mr. Maguire, thank you very much for your presentation.

You focussed on one very important area to us as MLAs and I appreciate that. Yes, that's exactly what the government's attempting to do in this legislation is to, in fact, stop us from communicating regardless of what that message may well be. It could be about Bipole III, for example, which would be way too partisan, and they wouldn't want us to extend that information to not only our constituents but to other Manitobans. So that's what they're doing.

Two things, two questions. First of all, you touched on it. You had mentioned the \$11 million that was mentioned in the *Free Press* with respect to flattering government advertising, and we've seen it. We saw it with WCB where they explained how wonderful the economy is and how our unemployment is so low, which doesn't really relate directly to what WCB should be doing, which is providing services for injured workers. Is there anything, in your opinion, that could be done to kind of vet that advertising as to whether it be too partisan to the government or it be too fluffy to the government?

**Mr. Trevor Maguire:** I haven't thought too much about that one, but, you know, I understand in Ontario—I've been sitting here for a couple of days now—and I understand, in Ontario, they have a non-partisan committee that works on making sure the mailings that go out are informative and necessary and don't have too much spin on them. I think that might be a pretty good idea.

**Mr. Chairperson:** Mr. Borotsik, we're almost out of time.

**Mr. Borotsik:** Very quick question. I noticed, as I say, you focussed on the one. You've been here for a couple of days listening to other presentations. Just very quickly in 30 words or less, what's your feeling on the \$1.25 contribution to political parties based on votes in the previous election?

**Mr. Trevor Maguire:** Well, I think there's already a balanced playing field. *[inaudible]* the NDP in *[inaudible]* outperformed the Conservatives on getting donations. Now, if the Conservatives were to do something wrong, or the NDP were to do something right, that balance could very well go

back the other way, so I think there's, in that regard, with respect to funding, you have a pretty balanced playing field.

You know, this is a question that has to fit into a broader context. We've got some generous tax deductions, particularly on the level of donations that you might get from your typical working guy, you know? I think that's a really good idea to have those tax deductions because it encourages people to get involved in the political process and it gives them real clout, you know, for those smaller donations they don't have an impact.

With respect to the 50 percent compensation for election expenses, I go along with that because people still have to then go out to the public and ask them for donations. I think that's a good thing. I think it's a humbling experience sometimes, but I think it's a really good thing.

\* (18:50)

The \$1.25, on the other hand, well, you don't have to go to the public for that, in any way. It just sort of falls, and, you know, how many times, how many ways are we going to pull money out of the public purse for this political party system? It's like people are going to get *[inaudible]* think we're kind of greedy, you know? That's what bothers me, *[inaudible]* We're worried about people becoming a little disillusioned with the political system. And yet now—we've seen it this past week, there are a lot of people who look at this thing, look at the Retired Teachers' Association. You know, they see the political parties have money themselves, but they don't have money for others, and that's a problem. So I really sort of disagree with the bill *[inaudible]* because people, the parties don't have to face the people *[inaudible]*.

**Mr. Chairperson:** Thank you very much, Mr. Maguire. Time has expired.

The next presenter we have on our list is Dale Smeltz. Good evening, sir. Welcome. Please come forward.

Do you have a written presentation, sir?

**Mr. Dale Smeltz (Private Citizen):** I do not.

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

**Mr. Smeltz:** Thank you, Mr. Chairman and members of the committee.

I am here today to speak against the implementation of Bill 37. I am speaking as a proud Manitoban and a proud member of the PC Party of Manitoba. I am also speaking as one who is familiar with the previous Elections Finances Act and all of its particular rules and regulations.

There is no doubt that the NDP wrote the previous legislation and now this proposed legislation in part to thwart the success and the ability of the PC Party of Manitoba to raise funds. Since the current legislation was passed, in 2001 I believe, the PC Party has adapted to the changes and has been very successful in revamping their efforts and techniques. So successful, in fact, that in the last two years, 2006 and 2007, the PC Party has out-fundraised the NDP.

History has demonstrated that changes are made to The Elections Finances Act when the NDP finds that the PC Party discovers new fundraising avenues within their own legislation. This has been clearly demonstrated by changes implemented, I think in 2006, when the NDP changed the rules regarding silent or silent/rainbow and live auctions at fundraising events. This attempt to throw a curve into the PC Party fundraising initiatives essentially backfired since the PC Party was already following, of their own volition, all of the new rules that the NDP implemented.

The NDP obviously does not like to be out-fundraised and is prepared to change the rules to suit their own agenda. Not to be satisfied with the above failure of change, the NDP is now proposing to take unfair advantage by using a taxpayer-funded levy that allows them to boost their funding between now and the next election. The indexed taxpayer levy of \$1.25 a vote will fund the NDP party to the tune of about \$250,000 annually for the next four years for a total of a million dollars. It would also fund the PC Party of Manitoba at a slightly lower level of \$198,000 annually over a four-year period of approximately \$800,000, so, in my view, if the NDP wants to give the PC Party a gift of almost \$200,000 annually to assist us in defeating their government, they and they alone must answer to the taxpayers of Manitoba.

The PC Party is recognized by most, and I know I get some criticism from this on this side of the table, but they are recognized by most in Manitoba as fiscally responsible and good managers, so there is no doubt in my mind that this windfall of extra

money will be put to excellent use over the next four years in our quest to defeat this government.

For example, a portion of this extra \$200,000 annually might be targeted to additional polling and research across Manitoba to determine issues, demographic shifts, et cetera, that all political parties need to determine future direction, and I must say that the PC Party will learn how to win elections again, just as they learned how to raise funds. Contained in this bill, or hidden in this fixed election date Bill 37, is also the intent to censor MLA correspondence to the very taxpayers that they now want to collect the \$1.25 from. Surely, those taxpaying Manitobans have a right to hear from their elected officials through the form of free speech. An attempt to gag opposition parties from public communication through censorship of direct mail by the ruling party goes against everything our veterans fought for and our Canadian soldiers are now fighting for.

I believe all Manitobans, upon hearing this, will find it very hard to believe that any government of the day would propose such a thing.

Another example of the use of this \$1.25 funding is—why wouldn't the NDP or why wouldn't the PC Party use a portion of the \$200,000 to purchase large billboards and large newspaper ads throughout Manitoba to say to the people of Manitoba the following is what we wanted to tell you, if the government had not censored our direct mail? Because of that censorship, we had to use your vote tax dollars to keep you informed.

Also, can you imagine if every time a line was drawn through a proposed MLA pamphlet, a press release was distributed with the headline, government censorship prevents us from telling the public about the glaring mismanagement of—for instance—the Crocus fund?

We are relying on the *Free Press* to get our message delivered because the law won't allow us to go directly to the public. How many press releases do you think would be sent out with those words on them?

Also, on a related issue, the Premier (Mr. Doer) asked one of the presenters on Monday—and he's asked others since—if unions and corporations should be allowed to contribute unfettered to political parties.

I believe that, under the proposed law now being brought forward, under Bill 37, a distinction between

unions and corporations may be drawn in this instance. To my knowledge, unions are not taxable, while corporations are. If corporations—but not Crowns—are going to pay tax on their portion of the \$1.25 tax vote and contribute to that \$1.25, then should they not be allowed to make at least a limited contribution to the political party of their choice? This would only seem fair.

In closing, I believe that fixed election dates are the future. However, this Bill 37 needs to be separated, enabling a fixed election date to be passed on its own merit, also along with an earlier or later date than the proposed date of June the 24th that would allow the farming community to participate fully in the election.

The other aspects of Bill 37 should be either reviewed and amended or thrown out completely. I'm not sure how many of us Manitobans would continue to call ourselves proud, if we lived without the ability to enjoy the freedom of speech.

I thank you for this opportunity of free speech tonight.

**Mr. Chairperson:** Thank you very much, Mr. Smeltz, for your presentation.

Questions of committee members to the presenter?

**Mr. Goertzen:** Mr. Smeltz, thank you for coming out this evening as well coming out last evening and listening to the presenters. I hope you echo the comments of your predecessor, speaking of Mr. Maguire who enjoyed both evenings. There's been a process in the presentation. I hope you've found it as enlightening and interesting as he did.

I want to ask you a question regarding the NDP in the past. The Premier, when he was attending these committees previously, had indicated that he was one of the champions of keeping unions from donating to political parties.

I understand—and you might have knowledge of this—that the Chief Electoral Officer reprimanded the NDP for a process known as unions-bundling.

Could you describe for the committee what union-bundling was in the process that the NDP undertook to receive funds from unions, in contravention to their own legislation?

**Mr. Smeltz:** Bundling, I think, occurs when anyone gathers up funds on behalf of individuals and does

not submit names and amounts with the bundle of funds that they turn in.

I think the NDP was guilty and did admit that they had bundled some \$9,000 in one year. I'm not sure what year it was—2005, I believe. After they were caught at it, they would cease and desist.

\* (19:00)

**Mr. McFadyen:** Thank you very much, Mr. Smeltz. The presentation tonight is appreciated, as is the patience in waiting to make the presentation.

Thank you also for your loyal participation in the political process, our party in particular. Through good times and bad, all parties have challenging years and good years, and you've been a loyal participant with our party through all of those. So I just want to thank you and acknowledge you for that as well as your family, and just ask on the issue of MLA communications. I think today's question period may very well provide a good example of why it is that MLAs require the ability to communicate directly with Manitobans.

Today I asked the Premier (Mr. Doer) questions about the fact that Manitoba is being left out of a free trade agreement now being negotiated among the other western provinces. It poses a massive threat to the Manitoba economy and to thousands of jobs here in Manitoba, and it goes back to the Premier's anti-free trade agenda which he had expressed in the early 1990s. He changed his mind on NAFTA just last year when he realized that it was actually benefiting Manitoba, contrary to what he had been saying in the 1990s. Similarly now in the western Canada free trade initiative, he's opposed to it, and we fear it's going to take 20 years of experience before he's going to come around to believing in it.

My concern obviously is that no story will appear on this issue anywhere in the media tonight or tomorrow, the exchange that took place. I'm not saying this is a criticism of the media. They have certain things driving the stories they select. Obviously, they've got significant stories to cover in other areas but what it means is that a really important issue to Manitobans, the future of jobs in the province, was discussed today in the Legislature and may very well never make it into the mainstream media or anywhere else, thereby leaving us with but one option which will be to mail directly to Manitobans information about the western Canada free trade initiative, our concerns about the

government's foot-dragging on the issue, and the importance of this issue to all Manitobans.

I want to just ask you in connection with this example. You know, there are two issues on the censoring piece. One is the content. The other is the timeliness. Obviously, anytime you put a process in place that requires vetting, it takes time. That committee may very well decide, given it's controlled by a majority of government members, that they don't want to meet for a number of weeks. I'm not suggesting that they would in this case but it could happen, at least theoretically, and would leave us without the opportunity to communicate in a timely way on a sensitive and urgent issue.

I wonder if I can just get your reaction on whether that bolsters the case for freedom for Manitobans to know what's going on in important issues like free trade, which is predicated on the freedom of MLAs to communicate with the citizens of the province.

**Mr. Smeltz:** Yes, Mr. Chairman, thank you. Again, as I said, I don't see how you can sit here and propose to take \$1.25 from the taxpayers of Manitoba of their own hard-earned money and then have the audacity, I suppose I would call it, to limit the information that elected officials want, in turn, to provide to their taxpaying public who are helping to fund those political parties. I think they have a right to know the good along with the bad in a timely fashion, yes.

**Mr. McFadyen:** The reference has been made to roughly in excess of \$11 million annually in government taxpayer-funded advertising coming from the government. In that \$11 million worth of advertising, have you ever seen a message that might be critical of the government in any of that advertising?

**Mr. Smeltz:** You want a one-word answer? The one-word answer is no.

**Mr. McFadyen:** In your view, does that mean the government is therefore perfect, that there is no bad news?

**Mr. Smeltz:** I've been around for quite a while and I haven't seen a perfect government yet. I don't care whether it's red, blue, orange or green; nobody's perfect. Not even you, Mr. McFadyen. Not even anybody around the table, I guess I should say. I shouldn't have singled you out. No.

**Mr. Chairperson:** Perhaps we should move on to Mr. Borotsik then.

**Mr. Borotsik:** Thank you, Mr. Smeltz, for that little levity right there. I know that we'll be having this discussion in caucus.

The censorship aspect of it, certainly it's a concern to us. As a matter of fact, I think Mr. Jha would like to have a question, but he's been censored already by the government. Should we be putting our own information out and it go to this unbiased committee that it, obviously, would be censored as well?

I would expect, Mr. Smeltz, that, if you had stood at this podium—you have stood at this podium and made your presentation—I think we could probably expect legislation coming from this government that would disallow partisan presentations to committees in the future.

Do you think that that's a possibility under this government?

**Mr. Smeltz:** I'm sorry to say that anything is possible under this government.

**Hon. Dave Chomiak (Minister of Justice and Attorney General):** I actually thought everything went really fine when you said that you'd seen no government was perfect. I know that you've been around for a long time; I know you've worked for previous governments. I know you've had some appreciation of difficulties by previous governments, et cetera.

I thought, you're a PC supporter, and that's fine. You have your perspective and viewpoint, but I liked the jocular way that you dealt with some of the issues toward the end, until Mr. Borotsik threw in the—something that I do think is a bit on the objectionable side—of not allowing partisan questions.

This committee has been anything but open. I've recognized—let's face it, the Leader of the Opposition (Mr. McFadyen) e-mailed people to come out. We know that. I saw it.

**An Honourable Member:** Is there something wrong with that?

**Mr. Chomiak:** It was given—the point I'm saying—

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

**An Honourable Member:** He wants to stop e-mails, too.

**Mr. Chomiak:** Mr. Smeltz, this is a really good process we have in this province. It is really something. When I was in opposition and you were government—I'm in government, you're in opposition—we're very lucky in this province to have the ability to speak before every bill of the Legislature.

There have recently been some complaints from the Leader of the Opposition about changing the process. We could always change the process to make it better, but I like the fact that you can come up, as an admitted senior official for the PC Party, kick the hell out of us, and you know what? That's okay. Some things we'll listen to; some things we'll disagree on, but that's what's great about a democracy.

The member actually suggesting that we would try to get rid of this process, I think, would be over everyone's dead body, if we get rid of a process that would allow people to come to the Legislature and speak about the bills. It's one of the purest things that we have.

I know when I was in opposition, I appreciated it. I'm in government; I appreciate it as well. So, thank you for your presentation.

**Mr. Smeltz:** Can I respond to that?

I've heard Mr. Chomiak, the Minister of Justice, say this before, about the e-mails that were going out. I don't have a problem with e-mails going out and I don't think anyone should have a problem with e-mails going out, telling people in Manitoba what the process is and that they're welcome to come.

There was no pressure put on me, or anyone else that I am aware of, to come and stand before the committee and make my views known. To suggest that someone had to beg me to come through an e-mail, I think, is wrong. I don't appreciate it at all.

I don't think that anyone should be even thinking about censoring MLA e-mails, for heaven's sake. Thank you.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Smeltz. Time has expired.

The next presenter we have on the list is Luc Lewandoski. Good evening, Mr. Lewandoski.

Do you have a written presentation, sir?

Please proceed when you're ready.

**Mr. Luc Lewandoski (Private Citizen):** I came by last night, hoping to speak for a bit. I was going to thank you all for getting me on a night when the Stanley Cup playoffs weren't playing. The puck dropped five minutes ago, so I'll try to be brief and get out in a reasonable amount of time.

I just want to start off by echoing the Minister of Justice's (Mr. Chomiak) comments there at the end. This is a great procedure that we have in Manitoba, and it's something that a lot of provinces just—it's taken for granted, the idea that any Manitoban, no matter who they be or who they represent or even like myself, as a private citizen—though, full disclosure, I am a member of the PC Party of Manitoba.

**An Honourable Member:** Another one. Hear, hear. You used to work here, didn't you?

\* (19:10)

**Mr. Lewandoski:** I did, indeed, a couple of years ago. But I do agree that it is a good experience, something that should take place repeatedly.

Overall on this bill, there's a lot of it that I like. There's some of it that is not so good. There's some of it, possibly, where it could have a little bit of work, some amendments that might do to improve it. But overall, the bill itself has the right ideas behind it and that is to strengthen our electoral system. That's another thing that I believe is taken for granted far too often amongst all Manitobans nowadays. It's just the idea that our elections need to matter. They do matter. Changing the rules and tinkering with them to try to broaden involvement, to try to open debate is a good thing.

So I'll start with the good here just to go off of that. Fixed election dates. That's not only good, that is great. Long overdue. We join other provinces that have made this step. I do believe that it makes it easier, not just for planning, regarding political parties, volunteers, and that, but also just Manitobans in general. Once it becomes a regular occurrence that you know when a fixed election is going to be, Manitobans are going to start getting more involved. Teachers are going to plan their curriculums, their students around that. There's going to be a better way of planning it and to really, celebrate is not the right word, but to really broaden the exposure of the election. On that, I strongly, strongly agree.

The other thing that I agree on, and this is where I disagree from my party, is I actually support the subsidization of the political party. That is the trade-off for banning corporate and union donations. My preferred option is to actually have our corporations and unions subsidize our election process through a system of no cash, full disclosure. That being said, that debate has been passed a few years ago. We've moved in the other direction. So if we are going to limit business and corporate donations, public subsidization of elections is not a fundamentally flawed way to go about it. The reason being is, and this is a well-financed political system, breeds strong political debate and that in turn brings better strengthened policy, more involvement from people, and so forth. So, on that, it really is the way to go. I think the federal system did reflect that. I do note, somewhat ironically that it is tied to inflation and there's bracket creep that could be brought into that argument, but I know other presenters have already touched upon that. I won't take up any more time with that.

Moving over to what I consider some of the key flaws of this bill, right off the bat, I have to say it has to do with the ad limits. It's just unrealistic that in a province of 1.2 million people, roughly, and a \$9.5-billion budget that we would suggest that \$75,000 is a reasonable amount of money that any political party should be spending annually to advertise both a viewpoint and to advertise criticism, just in general. On the freedom of speech issue, that alone should be coming into play. Governments and political parties that support either bans or limits on free speech are governments and political parties that are afraid of debate, are afraid of winning on their issues or afraid of winning on their arguments.

There's no evidence that Manitoba has been hurt in the past by not having advertising bans, whether third party advertising, whether it is political party advertising. If anyone has a suggestion as to when advertising went to the public, and that was the reason for some negativity or some error in judgment, I would really like to hear that because I don't believe that such a case would exist. If anything, opening up debate and strengthening our public discourse only go to encourage, again, stronger political debate, which leads to stronger policy, which leads to a stronger Manitoba. Again, that's just arguing on whether there should be limits at all.

The second thing that has to do with this bill is that non-election year advertising, \$75,000 a year. I



mean, to put it in perspective, that doesn't even hire a directive of legislative affairs in the Minister of Justice's office. That was in the OICs. I checked them out last night, so.

It's just again—1.3 million people, 1.2 million people—sorry, I don't know why I have three in my mind. Mr. Chairperson, \$75,000 a year is just not realistic; \$150,000 in an election year is not realistic. Again, it just goes to where is the harm. What are we fixing on that? That's my question.

I also have concerns regarding the limitations regarding MLA material. I understand the spirit behind the changes that are coming into place. It's very much something that it sounds like we're doing the correct thing, but I really wonder whether we are. It's going to come down to an issue of what line we draw in terms of what is considered partisan and what is considered not.

A skilled writer can easily make something that looks like a compliment—or, can easily make a compliment cutting and can also equally make a negative sound wonderful. On both of those fronts, it seems to me that we're setting ourselves up for a very awkward and unfortunate situation where we're going to have conflict in terms of where we draw the line. What guidelines do we use? Who decides? I know it goes to the committee. But, again, I feel that that's one section that is very flawed in this, and I would express to the committee that I feel it needs to be looked at stronger.

On one area that I'll have to admit—again, I'm sort of agnostic—is the lobbyist registration aspect of this. Not from a perspective of—I get why we're discussing it. It's certainly an area that other governments have looked at, both federally and other provincial jurisdictions. I just wonder if it's again solving a problem that just hasn't existed in Manitoba, or I'd be curious to hear argument where there was an actual error or flaw or something done where it was determined, oh, the lobbying aspect of it, that was the issue. There have been suggestions that something like, say, the Crocus affair, that that was a factor maybe, that there are other—and I'm trying to think off the top of my head—but other areas where, well, maybe that's what it is. But I haven't really heard that argument yet. Just through the media and through the coverage of this bill, that again, why are we fixing something that might not be a problem in the first place, other than just to say, there, we have lobbyist registration? Again, it's just

something that I don't understand and would like to hear more of that from the proponents of this bill.

\* (19:20)

Finally, I have just three little things that I feel need to be raised. They're small. One of them is the moving on election day, moving the opening time for balloting, for casting ballots from 8 a.m. to 7 a.m. I have to question whether we've hit that point of diminishing return. Again, it feels right. It's very much like Stephen Colbert. If it feels right in the gut, it must be right. We're opening one extra hour; that must be great for our system. But what I'd wonder is how many people would be voting in that time period that wouldn't vote elsewhere. The other factor is that it's a consideration on both election staff and party volunteers, many of who, as we all know, tend to be elderly. These are long days to begin with. Twelve hours on a fixed election day is not an unrealistic amount of time, and while the idea seems to be that, sure, why don't we just widen it out? If we get even one more, then it's done its job. While I feel that the if-it-helps-just-one-person argument is sometimes used too often, I think that's the case where it might be on this one.

The other issue, wider use of advance ballot—and this is just a question that I throw out both to the committee members and just to the public at large, we've never really had this debate of—does expanding advance ballot measures, mail-in ballot measurement, is that really strengthening our democracy? The question being that, well, it sounds again right because we're throwing open the doors; we're allowing more people to come to have their say, et cetera, but it does—and there is no doubt about this—it does diminish away from election day proper.

I know this, even from hearing it from people in the public when they say, well, the election's been on for three weeks; I cast my ballot already. Who cares when the election is kind of thing. It's just a matter of—had we had the debate first, that this is the correct, or is it again a problem that is required to fix?

Last thing—this has to do with just overall the profession of a politician—the CFO makes late filing fees public. For the life of me, I can't think of any other reason than MLA embarrassment being the reason for this. I don't know the background on this.

It's possible that this is a horrible problem, but it does just play into the public negativity towards politicians in general, that, oh, you know, even

though they did, there could be a perfectly legit reason that the filing was done late. Oh, well, that's just politicians, right?

For a bill that supposed to be strengthening our democracy, it doesn't really cast a great dispersion on the profession. I don't see—there are already penalties within the system beyond just public ostracization—oh, I butchered that word.

I'm going to wrap up. Just over all, it's a little disingenuous that we're debating this and rushing this bill a year after an election, rather than a year before. If that was the situation, I could understand that. I do think there are a lot of issues in this bill that clearly need to be debated. If we're going to have public discussions along Senate nominations, Senate reform, I don't see why we wouldn't hold off on this bill to include the public in a wider forum on these discussions as well.

Just based on the number of speakers, I would argue that clearly this bill has issues in it that touch upon more than just Manitoba's hacks and locks.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Lewandoski.

Questions for the presenter?

**Mr. Borotsik:** Thank you, Mr. Lewandoski. Just based on your couple of first comments about the hockey game and the Colbert Report, which one are you going to watch—the game or Colbert Report?

**Mr. Chairperson:** Mr. Lewandoski, you have to wait, sir, until I turn the microphone on.

**Mr. Lewandoski:** I apologize.

**Mr. Borotsik:** Thank you. You've touched on an awful lot of issues that are within this legislation that are certainly of concern to us, and they should be a concern to Manitobans.

The one that you keyed on was the advertising, the \$75,000 per year for a political party in non-election years, \$75,000 a year for a political party. Do you have any idea as to why the NDP government would want to limit a political party from communicating through an advertising media with constituents, with Manitobans if, in fact, the political party raised their own money to do so?

If a political party, the Liberals, for example, had a quarter of a million dollars, that they wanted to talk about some difficulties in nominations in certain constituencies, do they not have the right, should they not have the right to be able to spend that kind

of money to advertise, to make sure that that message got out to the constituents?

Why do you think the government of the day would like to limit political parties from being able to advertise with their own money?

**Mr. Lewandoski:** I think you made—the word that is correctly used is "right." They should have the right.

There are so many things in this country where people have claimed rights saying, I have the right to do this; I have the right to do that. This is one of those fundamental ones. Freedom of speech, it's not just about the ability to get on a soap box and spout off complete and utter nonsense. It's about the right to hold an opinion. It's about the right to try to encourage others to come around to that opinion. It's not just a political ideology issue regarding bans in terms of political advertising for opposition parties, for political parties in general. I'd love to say it was an ideological issue, but it's not. It's a government-of-the-day issue, and that's not just in this jurisdiction. I'm talking other jurisdictions as well.

You never see the opposition saying, we want a ban on political advertising because clearly this government's failing us if we don't have a ban on political advertising. It just doesn't happen. You're right, Mr. Borotsik. If the money is being raised within the political party, again, they should be able to spend it as they see fit in order to foster the political debate of the province. Again, it comes back to a well-financed political system leads to better politics, better policies, stronger province.

**Mr. McFadyen:** Thank you, Mr. Lewandoski, for that presentation as well, and thank you as well for just the contributions that you've made to political debate in the province.

I want to just ask you whether you have any awareness of the debate currently taking place in British Columbia where the government there is proposing to introduce limits on third-party communications outside of election periods?

In B.C., the NDP's constitutional counsel has provided an opinion saying that it would be unconstitutional to put limits on third-party advertising outside of election periods. In other words, parties within the province should be free to speak and communicate as much as they like without restriction by the government.

Given that that is the constitutional opinion of the NDP in British Columbia on third-party limits

and we, in this bill, are talking about limits on political parties which are already far more regulated and far more open and transparent than third parties would be, I wonder if you could just comment on that, your awareness of the B.C. situation and any observations on its relevance to Manitoba and, in particular, to the fact that, to date, the government hasn't produced any constitutional opinions or other expert evidence on the legality of the bill that we're debating tonight.

It may very well be that we're all spending all these hours debating provisions that are going to be struck down in court in any event. So, I'd be interested in your reaction to that and your comments on the British Columbia NDP position on the issue.

**Mr. Lewandoski:** I can't speak firsthand about the B.C. position. I follow the news fairly regularly. I do remember seeing the occasional headline or a brief discussion of it, but details-wise, I can't get into it too deeply.

I would argue that, personally, I feel third-party advertising, when it comes to political debate, is again of benefit to the political system and certainly something that shouldn't have limits upon.

Regarding the legality of this bill, I must admit I wonder myself, although I'm sure, once again, the Minister of Justice (Mr. Chomiak) probably has a better idea on the legalities of it than I do. I would like to see a challenge. I would like to see a court opinion on it because I feel that if we're following—not just in political debate but also just discourse in the public, whether it is some of the human rights issues that are now being dealt with at the national level regarding *Maclean's* magazine and such, I think that free speech and freedom of opinion are going to be issues that we'll be seeing more court challenges over the next decade, and I'll be curious to see how that plays itself out.

\*(19:30)

**Mr. Chomiak:** Mr. Lewandoski, I want to thank you for your presentation. I found your presentation thoughtful in that all of the arguments that you made or the positions you took you backed up with something substantive as to why you felt it was that way. I found that really useful.

We listen to what people say. I will guarantee you that when the process is finished and when this bill, assuming this bill is passed in the legislature, that at one point or another during the debate the points that you have brought forward will be

answered, some of the questions you asked for tonight, or dealt with, because you touched on a number of very significant points, and you put a foundation behind all of them for asking why this was necessary, or why it wasn't necessary.

I think, if you follow the course of the debate of this bill, you will find that, whether you agree or disagree, all of those issues will be dealt with in one form or another. So, thank you.

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

#### Point of Order

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

**Mr. Goertzen:** Thank you, Mr. Chairperson. I raise a point of order in relation to an event that happened during the presentation of Mr. Smeltz. I've been advised by members of this committee who may also wish to speak to this point of order that during—I'll cite section 65 of *Beauchesne's*, the freedom of speech provision, which states and defends that every member of the Legislature has had their freedom of speech violated if they're being prevented from speaking in an instance, or if their speech is cut off or hindered by another member.

It's been raised to my attention that during the question-and-answer period of the presentation of Mr. Smeltz the Member for Radisson (Mr. Jha) was looking to pose a question, we believe, wrote a question out, brought it to the Member for Minto (Mr. Swan) to ask if he could raise the question, and members of this committee overheard the Member for Minto say, no, that he wouldn't be allowed to ask a question of Mr. Smeltz.

I stand and raise this point of order to defend the right of the Member for Radisson to speak freely at this committee and to raise questions, particularly on this bill where we are talking about the right of freedoms or the right of individuals to come to a committee, not only to make presentations. We've heard a number of presentations today, over the last few days, and we've heard a number of presenters say how well the presentation process has gone, and we appreciate hearing that. We believe that there's been some useful information brought to the committee.

I also believe that we might have some useful information from the Member for Radisson as well.

Perhaps the other members of the committee can indicate what it is that they saw or that they heard and go forward from there. If there has been some other reason—well, if not, as the member indicates, I'm sure this will take no more than a couple of minutes and we'll be on to presenters again.

We just want to ensure, and I think we have an obligation to ensure, that all members have the ability to ask questions, because we haven't heard any questions from the members opposite, other than the Minister of Justice (Mr. Chomiak). It's difficult to understand why the Member for Radisson hasn't been able to pose questions on important issues.

So I look forward to hearing input from other members and to ensuring that the freedom of speech of this committee is protected as we go forward in this committee process, in this process over the next number of days and perhaps weeks.

**Hon. Andrew Swan (Minister of Competitiveness, Training and Trade):** Indeed, any member of this committee has the opportunity to ask questions, but, as my friend from Steinbach will know, as government members we've been quite prepared to let presenters go ahead and speak. We know there have been some lists and some people who've sat on the chairs for some time. Indeed, as government members we want to make sure that the opposition members have every opportunity to ask whatever question they want of the presenters.

A number of times the Minister of Justice (Mr. Chomiak) has stepped in to conclude, ask questions. We just want to make sure that opposition members are given every opportunity within the time limits to pose questions. We want to hear what people have to say, give them that opportunity.

**Mr. Chairperson:** Mr. Pedersen had his hand up first.

**Mr. Blaine Pedersen (Carman):** Thank you, Mr. Chairman.

It was my observation that the Member for Radisson (Mr. Jha) had his hand up, was acknowledged by you, Mr. Chairman, for a question when Mr. Smeltz was speaking. The Member for Minto (Mr. Swan) quite adamantly was shaking his head or went over to speak to him and the discussion—obviously we're fairly close quarters and it's not hard to hear what's going on—and said no. Then the Member for Radisson then proceeded to tear off a paper and write out what I assumed is a question—I have no proof that it was a question—took

it over to the Member for Minto and the Member for Minto said, no, don't bring it up.

Now, I can appreciate the Member for Minto giving the opposition a chance to ask questions. As we all know, Mr. Smeltz has deep roots to the Conservative Party. I for one, would have certainly appreciated what kind of question he would have asked that. I think that we deserve—I believe everyone deserves to be able to speak at this committee. That's what I observed, Mr. Chairman, and that's been the point of order here.

**Mr. McFadyen:** I did not witness the exchange that's being referred to and certainly there's no intent here to put the Member for Radisson in an awkward position vis-à-vis his colleagues.

I have noted, however, that government members of the committee have asked next to no questions throughout this process. To date, the Attorney General (Mr. Chomiak) certainly has. Certainly the Member for Concordia (Mr. Doer) has asked the occasional question, particularly where there was a particularly forceful presentation against Bill 37. Other members of the committee, including the Member for Radisson, the Member for The Maples (Mr. Saran), the Member for Flin Flon (Mr. Jennissen), I believe the Member for St. Norbert (Ms. Brick) posed a question yesterday, and the Member for Gimli (Mr. Bjornson), none of whom have posed questions.

I don't believe that it is because they can't think of questions to ask because I know they are all very capable members of the Legislature.

I think it's unfortunate that when presentations are made—the overwhelming number of presentations made today have been contrary to Bill 37 and contrary to the government's positions.

I believe that's it's a loss to this process to not have contrarian questions coming back from members of the government in defence of Bill 37 or to try to pick apart some of the arguments being advanced to those overwhelmingly negative presentations against Bill 37. That the process is diminished when members of the government are unable to put questions, are being censored by the acting House leader for the government tonight, who's a member of the Cabinet.

I don't think it's a coincidence that the government members are not asking questions. I fear that it is a function of censorship from their House Leader and would note the irony of that taking place,

given the subject matter of the bill currently before the committee. I would ask, Mr. Chairman, that you affirm the right of members, all members from all parties, to speak out and ask questions in order to contribute fully to this process. Thank you, Mr. Chairman.

**Mr. Lamoureux:** I am deeply concerned in terms of what I've heard. I want to share with the committee what I think are very serious thoughts.

I think, as a Chair, there is discretion that is used at times when we hear presenters and questions and answer. I must compliment you, Mr. Chair, in terms of, you've recognized that discretion. Quite often a presenter will go a little over the 10 minutes. Quite often a question-and-answer session might go over 15 minutes, depending on who's asking the questions and the type of questions being asked.

I've noticed that there was a very positive flow, generally speaking, going from the committee. In fact, with the last presenter, I had put up my hand. You had kind of shaken your head to me indicating the time was up. Then it went over to the Government House Leader. I had made the assumption that the Government House Leader probably had his hand up before me, you were concerned about time and I thought you had used relatively good discretion on that. I don't question that, Mr. Chairperson.

\* (19:40)

The other day, I was in the other committee room and listening to the presentations. We had an automobile dealer rep make a presentation. The Member for Minto will know because he was there for it. That presentation hit the 10-minute mark and then immediately, the Member for Minto was wanting to see the presentation end. Then, Mr. Chairperson, we ended up having a huge discussion on points of order in regard to it.

Then we ended up, the opposition, or I would ultimately argue, the public lost because there was no discretion at the time, and then Mr. Derkach asked his first question. His first question was, will the presenter now finish his presentation? So then the presentation was finished. After that, it would have been two or three minutes, Mr. Derkach was afforded the opportunity to ask one question. I tried to ask a question, and the Member for Minto prevented me from being able to ask a question because he was saying, no, no, five minutes, that's it,

we don't have to give discretion. I conveyed that there is at times discretion.

Mr. Chairperson, it's a very important point. It had nothing to do with a filibuster at all. What I wanted to know at the time, very short, and I even said, it's a very short question. The question I was going to ask was: The number of models of cars that are available, would they be reduced if this legislation was passed? That was the question I was going to ask. The response that was given from the government was, well, go and ask your question out in the hallway.

The reason why I raise that up, Mr. Chairperson, because I believe it's important for all of us to realize that we did change the process. There were some of us that did not support the change of process. The Government House Leader (Mr. Chomiak) was in here during the final offer selection debate and you could give presentations endlessly, or maybe he wasn't, that was pre-1990, I'm sorry. But he'll recall that there were unlimited presentations at one time. I'm starting to date myself. There were unlimited presentations and unlimited questions and answers. But there was always the ability to use discretion.

So now the Member for Minto comes into this particular committee room. I am disturbed with what it is that I heard that was raised from the Member for Steinbach (Mr. Goertzen). I would suggest, Mr. Chairperson, that we encourage and we allow for discretion. If there appears to be some sort of abuse with a particular presenter or a line of questioning, then that's quite different, then hold the limits. But let's not make our good system even worse by not allowing for the free flow of ideas and proper questions and answers. I don't care where it comes from, whether it's opposition or government members. I think we should be encouraging it, even it means using that discretion, which means we go over the five minutes. If it's a good question, let's allow the questions to be asked.

Thank you, Mr. Chairperson.

**Mr. Chairperson:** I'd like to thank all the—I'm sorry, I didn't see.

**Ms. Marilyn Brick (St. Norbert):** First of all, I just wanted to thank you for giving me the opportunity to just put a comment on the record. I guess, in some ways, I take some offence. I feel that I have had the opportunity to ask questions, and I have asked questions. I've asked questions of Mrs. Waddell and I've asked questions of Mr. Skafffeld. But I also feel

that we are taking up too much time from the presenters who want to speak. So I really feel that I've been given that opportunity and I've taken advantage of that opportunity.

So, I think, to comment that we've been gagged really isn't appropriate because that isn't the case. Thank you.

**Mr. Chairperson:** On the point of order raised by Mr. Goertzen. I'd like to thank all members of the committee for their advice on this point of order.

Folks will know that our rules permit presenters up to 10 minutes to make a presentation and five minutes for questions and answers. Yes, as Chairperson, occasionally, I will allow a minimal amount of latitude in that regard, but I try to keep it as close to that time frame in consideration for our good folks that are here with us this evening and want to make a presentation and have been waiting so patiently to this point in time. I appreciate the patience that they have shown.

With respect to the point of order itself, I keep a list of folks, the committee members here. I write down the names of folks that put their hand up and want to ask questions of the presenters here within the allowable time frame that is permitted within our rules. Occasionally I've had to give indication to committee members that the time has expired or is about to expire, and there will not be time. I'll indicate by tapping my wrist, my wristwatch, so to speak, and giving the indication that we're going to be out of time before we get to that individual.

I don't know of any other method other than writing a note out and sending it to the committee member individually, expressing that we're short on time, but that's the method that I've used as committee Chairperson.

With respect to the point of order, individuals will raise their hands, and I recognize committee members with that respect, and I show no favouritism to one side or the other with respect to their ability to ask questions in this committee. There is no other way for me to indicate other than to say that there is no point of order because there's nothing on the record that would indicate to me that any member has been prevented from asking their questions in any manner they choose in this committee within the rules that are allowed here.

So, therefore, I have to rule that there is no point of order in that regard.

\* \* \*

**Mr. Goertzen:** I respect your ruling and thank you for it, Mr. Chairperson.

**Mr. Chairperson:** We'll move on with the next presenter then. Don Watt. Good evening, Mr. Watt. Thank you very much for your patience, sir.

Do you have a written presentation?

**Mr. Don Watt (Private Citizen):** No, I do not.

**Mr. Chairperson:** Please proceed when you're ready, sir.

**Mr. Watt:** Thank you, Mr. Chairman, ladies and gentlemen.

As a retired Manitoban I have some serious concerns about Bill 37, and they're in five of the areas. I've heard a number of the presenters in the last three days, and my areas of concern are very similar to those: No. 1, the fixed election date issue; No. 2, the extension of the advertising limits; and No. 3, the taxpayer-funded government advertising; No. 4, public subsidies; and No. 5, censorship of caucus communications.

On the fixed election date issue, I certainly agree with the concept of fixed election dates; however, I cannot see why the current government allows the Premier (Mr. Doer) an exemption to this during his term. Why is this an option to this government and not future governments. This exemption allows the current party in power an advantage over successive governments and is unfair and unjustified.

Extension of limits on political party advertising: This bill would restrict political party's ability to get its message out by classifying certain forms of advertising as advertising expenses that were not previously included. In a fixed election date year this includes posters, leaflets, letters, cards, signs and banners and any similar printed material, the purpose for which is to support or oppose directly or indirectly any registered political party.

Why should we be limiting the medium of the advertising? Why are there certain kinds of medium that are not going to be allowed under this bill? Bill 37 does set dollar limits on the amount that can be spent, so why should we also be limiting the way in which that communication is made?

A lot of these issues are questions, and perhaps they will be answered as Mr. Chomiak has pointed out to a previous speaker.

Number 3, taxpayer funded government advertising to continue virtually unrestricted. This bill unfairly and severely restricts party advertising limits; however, Bill 37 continues to allow virtually unrestricted taxpayer-funded government advertising campaigns to continue up to 60 days before an election day. I am strongly opposed to government-funded, and I read this as taxpayer-funded, advertising as they are almost used exclusively to promote the political ends of the party in power.

This benefits the party in power at the taxpayers' expense and should therefore be classified as a party expense, not a government expense. This provides the incumbent party with virtually unlimited funding to promote their agenda and is grossly unfair. This is particularly offensive when it occurs in the year prior to an election. Government advertising should at least be banned for the year leading up to an election.

Issue No. 4, the public subsidy, which is really about tax. Bill 37 introduces a vote tax and I strongly disagree with this. Taxpayers already subsidize political parties through the tax rebate provided to those who donate to a political party. If parties are unable to raise funds on their own, why should I, through my income taxes, be paying for them, especially if I strongly disagree with the party policy?

\* (19:50)

Any party that is unable to convince their supporters to contribute to their party in numbers sufficient to support their needs, obviously has not won their approval and has not put forward ideas that are worth supporting. This bill confiscates taxpayer monies.

This is akin to someone on the streets of Winnipeg, who asked for money from a passer-by and then, when refused, decides to take the money forcibly. I don't see it any differently than that. You're saying I can't get donations, so I'm going to take it from you anyway. What's the difference?

I listened to two representatives for organized labour speak on Tuesday night, who strongly supported raising the contribution from \$1.25 to \$1.50 or higher. One would expect an organization that forces workers to pay union dues, even though they haven't signed up to join the union, to say that.

Are we now implementing the Rand Formula in provincial politics? Don't get me started on that subject.

Bill 37 will cost the taxpayers of Manitoba an additional \$500,000 per year, half of which will go to the NDP. This is not an insignificant amount in my world. Remember, taxpayers already pay the cost of running an election through Elections Manitoba. They should not be forced to fund parties any further than that.

To add insult to injury, this bill would index the \$1.25 per voter every year and, yet, my annual exemption on my income tax is not indexed. Why is it inconsistent?

Bill 37, the censorship of caucus communications relating to censoring communications, is the most offensive piece of this, which is a restriction on freedom of speech. The Legislative Assembly Management Commission, controlled by the majority party, is being given powers to censor communications from opposition MLAs and to define their budget.

This is a blatant attempt to limit and control the opposition party's ability to communicate and advertise and must not be allowed in our democracy. This is designed to prevent opposition MLAs from informing Manitobans of poor decisions and failures by the incumbent government.

In summary, I must express my alarm at the thrust of Bill 37 and demand that it be amended to remove these offensive clauses. It seems to me that the NDP are skewing the electoral process to help ensure that they strengthen their advantage in holding onto power in future elections.

Ladies and gentlemen, this must not be allowed to stand. Thank you.

**Mr. Chairperson:** Are you finished, Mr. Watt?

**Mr. Watt:** Yes.

**Mr. Chairperson:** Thank you very much, sir, for your presentation.

Questions for the presenter?

**Mr. Borotsik:** Thank you, Mr. Watt, for that very well-thought-out presentation. Again, you've identified the key areas that are of concern to us.

A question. It seems this fixed election date or supposedly fixed election date with the loophole, if the government has a fixed election date—I really

appreciated your comment and suggestion that, prior to an election, that there should be a ban on government advertising. I think that's only fair.

If there's a limit of \$75,000 or \$150,000 during an election year and, since we know when the next election is, it would be very easy to implement that kind of a restriction. Would you just like to expand on that a little bit? I really appreciated the suggestion and the comment. Would you like to expand a bit on how government advertising could be restricted during those periods?

**Mr. Watt:** As I said in my presentation, most of the advertising I've seen that is at the taxpayers' expense is basically slanted to make the party in power look good. Although it's trying to promote the idea that they're informing the public, basically, what they're trying to do is pat the back of the party in power.

To me, that's just like third-party advertising in a sense during an election year. We've banned that, but we're still allowing the government to do this with what seems to be an unlimited amount of budget, to spend our money to promote themselves so that people remember all the good things they've done prior to the election.

If we could, at least, put some space between that and the election time, that advantage to the incumbent party would be eliminated, at least to a certain degree, if we're going to do it anyway.

**Mr. Borotsik:** Would you suggest a full-year restriction or a six-month restriction or a three-month restriction? Did you give any thought to that?

**Mr. Watt:** I said, a year. I think it should be as far away from the election as possible. Personally, I'd like to see it eliminated entirely but, if we're going to do this—and I can see some reasons for government to communicate to the electorate as to what's happening and what's changed in the government. Unfortunately, there's a great abuse of the way that information is portrayed.

If it was six months, anything that would put some space between the advertising campaign and the election time so that people have kind of, hopefully, forgotten it to a certain degree.

There's nothing that can't wait six months from prior to the election till after the election, I'm sure.

**Mr. Borotsik:** Another question. Yesterday, there was a presenter here that said, be very careful what you wish for, speaking of this legislation and speaking to the government especially. I don't want

to put words in your mouth but I'd like your opinion. If, in fact, we were government and they were in opposition, do you think that they would accept this legislation as it's written right now?

**Mr. Watt:** I can't see why they would. I mean, this is going to give the—whatever incumbent government there is it gives them an advantage. This is not a partisan issue, really. This is an unfairness issue. This is an issue where the party in power has the ability to spend unlimited funds to promote themselves, and the opposition party does not have that privilege. It wouldn't matter who was in party, as far as I'm concerned, it's the same issue.

**Mrs. Myrna Driedger (Charleswood):** Thank you very much, Mr. Watt.

I guess you wouldn't be surprised to hear that government spends between \$10 million and \$15 million a year on government advertising, would you?

**Mr. Watt:** No. I wouldn't be surprised to hear that.

**Mrs. Driedger:** Do you think that creates an unfair playing field when the government can spend \$15 million a year and then it limits the other parties to only \$50,000 a year? Do you think that's a pretty blatant skewing of the whole playing field?

**Mr. Watt:** It's absolutely blatant. I can't understand how anybody can logically defend this. I mean, I suppose the defence of the government in power is to say we need to communicate to Manitobans changes in the way the province is governed and so forth, but it's not done in an informative sort of a way. It's always done as a way of promoting. There's always that twist to it. I don't care whether it's the Conservatives or the NDP that have been in power, it's always been the same thing, and I think it's not right. I just don't see the need for this. Why are we doing this?

**Mrs. Driedger:** We put forward a private member's bill the other day that would establish standards for government advertising, and no matter which government would be in power, these standards would apply. If an MLA thought that the government was in breach of one of those standards, that MLA, any MLA, could make a complaint to the Auditor and then the Auditor would have full investigative powers to address that potential breach of that standard. Then, if the Auditor found that, indeed, there was a breach of that standard, that governing party would then have to repay the Crown for the whole cost of that advertising campaign.



Do you think that would then make governments much more accountable and careful about how they actually advertise, that, in the end, would be more beneficial then to the public?

**Mr. Watt:** Yes, I guess so. I think that the question of who is going to do the reviewing of this information—it has to be an independent body. That issue came up with one of the previous speakers about why—the censoring of information being produced by MLAs or political parties would be done by a committee which is dominated by the party in power, which we know is going to be censoring. It's going to be biased towards the governing party, so the whole idea of having this reviewed, I'm not sure what the purpose of it is and what the reason for even doing the censoring is, but certainly, if we're going to do it, it should be by a body that is totally independent of the political parties.

**Mr. Chairperson:** Mr. Lamoureux, one very short question, please.

**Mr. Lamoureux:** Every media outlet will report when the province presents its budget, but immediately following the budget, the government will spend \$200,000 on advertising that it's presented the budget. Is there any value to that advertising in your opinion?

**Mr. Watt:** Well, again, I can't see what the value would be other than to promote the party. I mean, if the papers have reported the information factually—and I'm sure they do, there's enough coverage of budgets that we get drowned with information, so I can't see why any government would have to spend more money to say, well, look at what a good job we've done. Because that really seems to be what they do with it. I don't learn anything from it.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Watt. Time has expired.

The next presenter we have on our list is Jack McLaughlin. Good evening, Mr. McLaughlin. Welcome, sir. Thank you for your patience.

Do you have a written presentation, sir?

\* (20:00)

**Mr. Jack McLaughlin (Private Citizen):** Oh, just one page, here.

**Mr. Chairperson:** Please proceed when you're ready then.

**Mr. McLaughlin:** Thank you.

Mr. Chairperson, members of the caucus, the boards, thank you for the opportunity to come in and allow my input tonight. My name is Jack McLaughlin. I'm a father, a businessman and a citizen of what I feel was a democracy within this province. As a businessman, we're taxed enough to harbour, and we harbour, one of the most unfriendly business environments in Canada. I know we're not here to discuss business environment, but I'm going to lead to where I want to be.

Not long ago, our Premier (Mr. Doer) invited the business community to get behind the government to help to attract new business to our province. We as business people are spending most of our time trying to talk to our neighbours to stay in the province rather than move. Companies are quietly closing their doors and following our educated youth to other places to live and grow.

When the current government came to power, our Premier cited low hydro-electricity as a drawing card to attract new business. This has obviously failed because I don't see a whole pile of new signs in our province or generating any income or jobs for our children.

There have been no new large companies that have relocated here or located to Manitoba. When they consider our taxes, our service charges, as what we're going to discuss here tonight, labour laws and the useless regulations, they just keep right on going to Alberta, B.C., Saskatchewan, Ontario, but they don't stop in this province.

What's saving us in our business world in this province is that many of the established manufacturers are family-owned and -controlled. It's their personal loyalty to the Manitoba, their homes where they raised their families that keep them here and, in some cases, ignoring better business sense by staying, despite the fact that many of their children have escaped to greener pastures.

Bill 37 is an autocracy at its best, and it's smacking of extreme socialism bordering on communism and a violation of Canada's Charter of Rights and expression. To say a governing committee has the last say interpreting media release for all parties is suppression and inhibits our freedom of press and expression. Since when do we anywhere in this country grant absolute power to any party while decimating the opportunities of the others?

Why is all this necessary? It appears that, while slashing and burning the rights of your opposition,

you have also cut off your own ability to raise funds. In this era, it is responsibility of the parties, each one of them independently, to raise their own campaign funds from their supporters, not by overtaxing them. There are avenues of funding in place now that reimburse parts of these costs out of our tax money to start with. It must end here. As a taxpayer, this is a theft of my monies. I'll pay no more taxes to be given to support short-sightedness and arrogance.

Is this government that poorly organized and structured that it will virtually steal away more of the hard-earned income from our province's wage earners? Can it not raise its own election funds? This is the province that's basically broke. If we took away the transfer payments from Ottawa, the equalization payments, you wouldn't balance your budget. You wouldn't come within billions of dollars of it. So you're spending Ontario's, you're spending B.C.'s, you're spending Alberta's money. I think it was Premier McGuinty said, I'm tired of sending equalization payments to Ottawa so Manitoba can waste it. I think those were his words. This is a latter form of welfare handouts from the other provinces that create positive income and surpluses for their citizens.

So why are they generating so much yet we're taxing so we can vote? Millions of dollars in added taxes are being cost to our taxpayers with this legislation of Bill 34 ahead of us. Bill 37 is a deterrent to voters. We have less than average of 50 percent of voter turnout. When they figure out that it's going to cost them more money to go vote in their taxes, they're not going to vote. Why should they go and just so they can vote to increase their taxes knowingly walking in that door?

This is a confirmation of a government that's basically out of control. They don't have a hard understanding of the economics or the finance of the province, and, again, bestowing more taxes on already beaten people.

This law as it passes, if it passes as it is, would be just another reason for companies not to come to Manitoba. It'll be more reason for our children to move to other provinces where they're treated like good individuals. This is not a piece of legislation that's healthy for this province, and to pass it is just saying up yours to the citizens of this province. I believe we all pay enough taxes as it is. Thank you.

**Mr. Chairperson:** Thank you, Mr. McLaughlin, for your presentation.

Questions of the presenter?

**Mr. Cliff Graydon (Emerson):** Thank you, Mr. McLaughlin, for the presentation, and a very blunt presentation.

I really appreciate that type of a discussion from our presenters. Over and over we have been hearing that there's too much government hand in our pockets and not getting any return for that money, Mr. McLaughlin.

In regard to the election financing, all parties are rebated 50 percent of their eligible expenses. Do you have a problem with that?

**Mr. McLaughlin:** With what we have in place, we've managed to live with it, but to add more on to it is a travesty. It's wrong.

**Mr. Graydon:** The tax exemption—when I'm out campaigning, I like to look my constituents in the eyes and anyone in this province that might make a contribution to my campaign, I want to look them in the eye. I want them to understand how sincere I am about representing them, and when I ask them for money and they get a tax exemption, do you have a problem with that?

**Mr. McLaughlin:** No, because that's done out of the freedom of choice.

**Mr. Graydon:** One last question, Mr. McLaughlin, because some of my colleagues will have questions.

You mentioned Hydro, and we have heard over the past years how Hydro and this government have decided to build a bipole line down the west side of the province rather than a shorter, much cheaper line that would come down the east side, wasting millions and perhaps over a billion dollars.

Yet, we advertise this province as low hydro rates. That's an incentive to invest in our province, and I believe we do have some of the lowest rates in Canada. However, some of the hidden costs, and perhaps you have had experience with this, some of the hidden costs with Hydro that weren't there in 1999, however, were brought into effect in 2005 where businesses have been charged for the initial hook-up to the tune of, in some cases, \$1.5 billion. Would you call that then an incentive to invest in our province?

**Mr. McLaughlin:** I think my words earlier were that most corporations that do their due diligence pass this province because they discover everything that we as business people and citizens are burdened with

now, and there is no incentive to stop in this province. Low hydro rates do not offset the hundreds of millions of dollars in extra costs that you're going to—I will give you an example of how money hungry this particular government is when it comes to taxes. We have in our province which a lot of provinces don't have—some do—a provincial sales tax on the goods that you buy, the equipment you buy to create jobs and to create a stronger economy in this province. You must pay 7 percent provincial sales tax on those goods even though you're doing it to create jobs.

We've gone one step further in Manitoba, and I'm going to make it very clear here tonight. We now tax the garbage of the companies of this province through their research and development grants. We had a tax audit earlier this year and when the young lady came in she was very nice, she was very professional in how she did her job. We went through it. I don't believe in paying provincial sales tax on equipment. So, when she walked in, I hadn't paid my tax for five years and I gave her the list, by machine, by item, how much the value was supported by the invoice, and said, I owed you \$27,563. Give me my penalty, give me my fine and leave my building. So she found another \$300 or \$400 over and above that, and that's her job.

\* (20:10)

Then she looked at me, and said, Mr. McLaughlin, do you do research and development in this province? I said, yes, we do. We're always trying to develop new product to get new markets to increase our market shares outside and mostly into the U.S. at the time. She said, may I have a look at that? I said yes. So she took our research and development program. The provincial sales tax act does read—but this is where there's no common sense in this administration—it does read that, if you use these goods for your own purpose, then you must pay the tax.

So we were buying resin and we were developing underlay floor foam. Over the five-year period that she pointed out to me, we hauled over \$400,000 worth of goods, that we paid for out of our pocket to try to develop our companies and our product, to the dump.

Thanks to the NDP, I got a \$32,169 tax bill on my garbage. If that's incentive to move to this province, then I think we all better start looking for jobs.

**Mr. Borotsik:** Thank you, Mr. McLaughlin. I, too, appreciate your candour and I would suggest you make a presentation to Bill 38, because we're going to be talking about the finances of the problem and what they're prepared to do to us, as taxpayers in this province, with that piece of legislation. That would scare the bejesus out of you, I can assure you that.

You are a small businessman. How long have you been in business here in the province of Manitoba?

**Mr. McLaughlin:** This is our 25th year.

**Mr. Chairperson:** Sorry, Mr. Watt, I missed—

**Mr. McLaughlin:** This is our 25th year.

**Mr. Chairperson:** Thank you, sir.

**Mr. Borotsik:** You'd mentioned that the reason why most small business people, small manufacturers, small retailers, stay in the province of Manitoba, moms and pops, is because usually they're born here. It's because they have roots that they've set down here.

Our children, unfortunately, have the opportunity and mobility to look for other opportunities in other locations, and unfortunately I fit that model. My children, unfortunately, have decided that their opportunity lies in Alberta. But my question to you is: If you had not been a small businessman for the past 25 years, which obviously you've worked through a number of administrations, a number of tax regimes, a number of labour laws, would you start over again and start a business here in Manitoba under the circumstances presented here in 2008?

**Mr. McLaughlin:** I have branches in manufacturing in Ontario, Alberta, British Columbia; Our head office and the largest part of our company is here in Manitoba. I make my money in Ontario, Alberta, and B.C. I just bring it back here. If I had the—and everybody said to me—why don't you just move to Calgary, Vancouver, Toronto? I said because I've been in Manitoba since I was 16. I love this province. I may not like what's happening, but I love this province. But would I start and go through what I'm going through now in this province? No, I wouldn't.

**Mr. Borotsik:** We're getting into a topic, as I said, please register for 38; I'd love to have this discussion at that table. In this province we have—we're the only province, actually, that has a lovely little tax called

the payroll tax. Are you of sufficient size, enough employees to pay the payroll tax here in Manitoba?

**Mr. McLaughlin:** No, fortunately for us, we're underemployed. We're just under that window.

**Mr. Borotsik:** There are a couple of corporations that I know of who have branch offices in Alberta, Saskatchewan, and Ontario, and the government of the day here in Manitoba has tried to incorporate those employees into a head office environment, if the head office is in Manitoba, so that those employees would be used in the calculation of payroll. Has that ever been asked of you by this particular government?

**Mr. McLaughlin:** Not as yet, but I can make the statement here, is that the day they do, I'll hand out many pink slips in this province. We'll leave the province at that point.

**Mr. Chairperson:** Any other questions of the presenter?

Thank you very much, Mr. McLaughlin, for your presentation this evening, and for your patience.

The next presenter we have on our list is Doreen Bilodeau. Good evening, Ms. Bilodeau. Welcome. Thanks for your patience.

Do you have a written presentation?

**Ms. Doreen Bilodeau (Private Citizen):** Just verbal.

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

**Ms. Bilodeau:** My name is Doreen Bilodeau and I have been managing a national plastics distribution company with a location in Winnipeg for the last 30 years. I'm at the age of my life that I am taking a hard look around and am wanting to ensure and feel confident that our province and country are doing things to improve and protect our lifestyles and our children's future lifestyles and living conditions in this beautiful province we live in.

I'm presently speaking to you today because I am struggling with the information I have read on the implementation of Bill 37. The key areas of concern for me with these changes I have seen and read about are that taxpayers will have to give each political party \$1.25 for each vote they received in the last general election every year. This will cost taxpayers, ourselves and our working children, around \$500,000 per year in additional money.

My problem, to be quite honest, is that we already contribute to election costs to all parties. Firstly, after each election, political parties go to the taxpayers and have them pay half of their eligible campaign expenses, which run into millions of dollars each election. Second, we offer tax write-offs for donations of our hard-earned income to anyone that makes a donation to a political party. Now they want this third avenue to create cash to fund political parties.

Why do overtaxed Manitobans have to finance any political party? We shouldn't be putting a penny into political organizations. Parties should be forced to raise money on their own.

Taxes that we pay are for core services like health care, education, justice and infrastructure. Are they not? We are already paying large amounts of our hard-earned income under the assumption that people we vote into power understand that we want our governing government to be focussed on our priorities, not be concerned with how they are going to fund elections of the future.

What is our government thinking? It is the wrong message, especially to our youth. It's more a cash grab. This is just not acceptable. It blows one's mind to think that the focus on restructuring a rule to increase revenue for politicians, instead of focussing on the efforts and the thinking power of our government to the issues that are core concerns.

Every member of this province is well aware of the areas that we have some major issues to tackle against. Again, health care, crime, roads and decaying bridges.

Lastly, I truly believe, restricting political parties in advertising or getting the message out to what they believe in, is totally undemocratic for a democratic government to be instituting. These limits in spending are, to say the least, extremely disappointing to a citizen of this province. It is a form of censorship. Where is our freedom of speech? It is a sign of a government that lacks confidence to stand up to the issues they believe in and focus on. This bill is significant. Why was it brought up at the last minute?

They should not try to prevent commentary and challenges that challenge their direction. As a government, they should encourage and welcome it.

Thank you for giving me the opportunity to speak to you and for allowing me to voice my frustration and grave disappointment.

**Mr. Chairperson:** Thank you very much for your presentation, Ms. Bilodeau.

Questions for the presenter?

**Mr. Graydon:** Thank you, Ms. Bilodeau, for that wonderful presentation and for waiting as patiently as you have.

Do you feel, if I as an aspiring MLA goes out and raises money and I'm fortunate enough to be elected, as I was, and I have a number of people to represent, a number of constituents that I have to keep informed and I've raised enough money that I can afford to do some advertising—do you believe that that should be censored by either members of my own party or members of an opposition party? Do you believe that that's the true democracy?

**Ms. Bilodeau:** I believe it's totally undemocratic. I think that you should be able to advertise, get your message across whatever way you can, with whatever support you can. That's what our politics have always been about, how you raise your money, how you make people aware of what you believe in. It's totally undemocratic to put a limit on what you're allowed to spend.

\* (20:20)

**Mr. Graydon:** The idea that the tax, the \$1.25 tax that's being proposed, as you are well aware, we are opposed to that. However, I like to know how the individual presenters feel about the 50 percent rebate that we enjoy today after an election. It's only on an election year. It's the expenses that are incurred during an election. I like to have a feel of how the presenters feel about that type of rebate.

**Ms. Bilodeau:** I believe that it's a fair way to do it. At least it's something for a taxpayer to look at of ways of saving on tax spending, and I think that that way they make the choice of where their money is being utilized.

**Mrs. Driedger:** Thank you, Ms. Bilodeau, for being here. I once was speaking to a political science professor who told me that the job of government was to propose and the job of opposition was to oppose and that when you have strong opposition parties, you have a stronger and better government and then that is always better for the people.

I have heard Manitobans also get pretty cranky when an opposition doesn't strongly get out there and address issues. What do you think is going to happen when you've got a government that actually, deliberately is going out to weaken that opposition,

which really is going through their advertising which is already happening and now the censorship of direct mail pieces. What do you think that that is going to do, then, to I guess you would say democracy in Manitoba, for the people of Manitoba?

**Ms. Bilodeau:** To be honest, it's bordering on Communism. You have to allow everybody's voice to be heard, and by limiting the amount of money that can be spent or the kind of information that you're getting out to the public as an option, it's no different than Communism.

**Mr. Lamoureux:** Should a candidate be able to donate to his or her campaign if they so choose by more than \$3,000? Should there be a limit to how much a candidate can contribute to his or her own campaign?

**Ms. Bilodeau:** I don't believe there should be a limit. I believe that it should be the right of the person who's earning that dollar to decide how much money they wish to donate to a candidate or a party because a lot of people really believe in certain aspects of the Conservative Party or the democrat party. It's important to them; that's a focus for them. If you work hard for a living and you are earning your fair share of dollars, you should be allowed to spend your money any way you want.

**Mr. Borotsik:** I see the Minister of Justice (Mr. Chomiak) also wants to comment. I believe in the freedom of speech. I'll only have one question.

I asked it earlier of an individual, and I'll ask it of you. It's a serious question, and I know that you'll think about a serious answer. If we were sitting in government, if there was a Conservative government right now and this legislation was put forward by us, Bill 37, do you think the opposition at that time, the NDP, would be in total opposition of this legislation based on the censorship that we find in this legislation? Do you think they would support it if they were in opposition?

**Ms. Bilodeau:** Absolutely, no. I'm absolutely sure they wouldn't, for obvious reasons.

**Mr. Borotsik:** I saw the Minister of Justice indicate his desire to ask a question, and that's fine. If he doesn't want to, I will.

Thank you for that candid answer because I honestly believe that is the answer. There is no question. You talked about no limits to Mr. Lamoureux when you talked about donations. There are limits, as you are well aware right now, on

individuals donating to a political party. I believe it's \$3,000; that's the limit at the present time. You said no limits. Even I get a little concerned with that.

If you look at what's going on right now in the United States with Mr. Obama and Ms. Clinton and the amount of dollars that they're raising for campaigns, which puts an awful lot of people outside the realm of possibility of winning an election, do you believe that there should be absolutely no limits, or do you think that there should be some sort of a cap above the \$3,000? There are possibilities of wealthy individuals running a campaign in any one constituency if, in fact, there were no limits of donations.

**Ms. Bilodeau:** To be honest, I haven't actually thought about the whole impact of no-limit donations, but I do still strongly believe that what I said is, if it's your money, you should decide where that money goes. You should make that decision. That's my personal opinion.

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

**Ms. Bilodeau:** Thank you.

**Mr. Chairperson:** The next presenter we have on our list is Brent Olynyk. Good evening, Mr. Olynyk. Welcome. Thank you for your patience.

Do you have a written presentation, sir?

**Mr. Brent Olynyk (Private Citizen):** No, just an oral presentation.

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

**Mr. Olynyk:** My name is Brent Olynyk. I'm from the constituency of Kildonan.

First of all, I'd like to talk about the NDP government promising to make democracy in Manitoba more transparent, accessible and fair. The legislative changes seem to be rammed through, or trying to ram through fairly quickly.

It's one large piece of legislation, Bill 37. The bill seemed to me to be, as a layperson, introduced almost at the last minute to meet the deadline for hearing and passing legislation in the current sitting of the Legislature. That leaves me with the impression that the NDP wants as little discussion as possible on this bill. That's one of my concerns.

I want to lay out, I have about four areas of concern. One is with the enumeration. What I feel with the enumeration is we're spending a lot of money enumerating currently, and this bill proposes we continue to go out and enumerate, go door to door. I feel maybe the federal government and the city of Winnipeg currently share lists. I wonder if there wouldn't be some cost savings at that point, if we're going to open up the election bill and look at what we can do to make things better or more transparent, or save money. Maybe we should be looking at using the federal government's list and adding to it and sharing and partnering with them, as the City of Winnipeg does. So that's my concern with the enumeration.

I also have a concern about voter turnout. I believe this is an opportunity, if we're looking at bills to view, what can we do to encourage voter turnout? I really don't see anything creative here. It seems to me that we keep going to the same places over and over again. Although voter turnout in Manitoba is probably the same as everywhere else in countries that have had democracy for a long time and are free, voter turnout seems to be low. Compared to newly democratic countries, voter turnout is as high as 80, 85 percent in some places.

Also, if we're going to be creative and look at what we can do, I wonder but I don't know the solutions for gender. I know we're encouraging more female candidates, the government, strongly. They have a fair record, although university professors would tell me, female university professors would tell me that females aren't doing as well as they should. Manitoba has a decent track record compared to other provinces. In fact, I think we're third, but I think we need to be creative and think of, you know, if we're going to start taking money off the taxpayers to fund the parties, perhaps there is a way we can encourage female candidates to run, or perhaps give them a break. I would certainly like to see more female MLAs sitting. I think it should be a 50-50 split. How do we encourage more women to run? It's on record, the data is out there that women can't raise funds as well as the men do. I've read that data in the United States and Canada. So what can we do to encourage that?

I'm also very concerned about the annual limit on advertising expenses. I believe that the government over the last few years, well, you know, going into an election, really ramps up their advertising. Going over the Salter bridge, as I know it—I'm not sure of the current name of it, but I call it

the Salter bridge—I would constantly see this ad about: Manitoba means business. I would go further down the street and there would be another ad. I agree with some advertising and marketing in Manitoba. I understand what the government's trying to do. They have to market what they're doing and encourage the public, but it sure seems to me that it's ramped up during an election.

\* (20:30)

I also believe that advertising expenses, the limits on the parties during an election, are low. I would like to see them higher. I don't think that amount of dollars allows us, allows anyone during an election to really buy a lot of advertising. From what I understand, advertising on the radio or in the paper—or if I do some advertising through my work, I know one general ad in the paper can cost up to \$8,000. So that money certainly doesn't last, and I believe whichever party is in power it should be a level playing field, whether it's the NDP, PC Party or the Liberal Party.

I also have concerns about each party getting the \$1.25 per vote. I note that the Progressive Conservative Party seems to be doing fairly well in fundraising. They have a plan and a strategy, and it seemed awfully odd to me that when they started to out-raise the NDP in fundraising, all of a sudden Bill 37 appeared and we're going to pay \$1.25 per vote. I understand that the federal government does it and other jurisdictions do it, but I don't know if it's necessarily the right thing to do. I believe that it's an extra tax. I believe that the parties—you know, you go out there and you do your job. You knock on doors; you hit the pavement and you fundraise, and what you raise is based on your own hard work.

I believe that if we're going to start paying \$1.25 a vote, you're going to start seeing more political parties. You're going to see fringe parties become involved and then we're going to get into a case—and I don't know whether this is right or wrong. I believe, personally, that it's wrong, but in European countries you have 23, 24 parties that are in the Legislature and I don't think this is as effective as a two- or three-party process. So I think what we're encouraging by the \$1.25 vote is for fringe parties, you know, the Marijuana Party, Rhino Party—who knows?—the Brents of Winnipeg Party, to get out there. You know, if I could get 3,000 or 4,000 or even 300 votes, I can collect money, and I think it's wasted taxpayers' money.

I think once parties start getting a little bit stronger and they can elect one or two candidates because they're funded by the taxpayer at \$1.25 per vote, we're going to see decisions starting to be harder to make at the Leg if you have five parties all competing. I think it's a good thing when there's a majority party in government, even today's, because they can make decisions. But if you have five parties and no majority and a total sweep of coalitions being formed, I don't know how that's going to work in Canada or in Manitoba. So that's my biggest concern with once you start handing out \$1.25 per vote. I don't know if that's going to generate any votes.

That would be my presentation for tonight. I'd like to thank everyone for listening and actually having the opportunity to come out today.

**Mr. Chairperson:** Thank you very much for your presentation here this evening, Mr. Olynyk. Sorry I mispronounced your name in the beginning.

**Mr. Olynyk:** That's okay.

**Mr. Chairperson:** Questions of the presenter?

**Mr. Borotsik:** To Mr. Olynyk, thank you very much for your presentation, well thought out.

You had indicated that you worked for the City of Winnipeg?

**Floor Comment:** Yes.

**Mr. Chairperson:** Mr. Olynyk, I have to recognize you, sir, for the *Hansard* folks.

**Mr. Olynyk:** Oh, okay. I don't know if I indicated I work for the City of Winnipeg, but, yes, I do work for the City of Winnipeg.

**Mr. Borotsik:** I just want to make some comparisons between the municipal election and the provincial election. As I understand it, municipal elections have a reasonable turnout and probably, even, I think maybe better in the last one in Winnipeg than it was here in the province.

**Floor Comment:** No.

**Mr. Borotsik:** It doesn't, eh? Okay. I'm being corrected by—I'm finally being corrected by the NDP. Thank you, thank you. *[interjection]*

**Mr. Chairperson:** Order, please. Mr. Borotsik has the floor.

**Mr. Borotsik:** Thank you, Mr. Chairman. I've been corrected with the voter turnout.

I guess my question would be: With this legislation before us right now, and looking at all of the clauses of the areas that you've identified, certainly the vote tax, certainly the censorship, certainly the lack of ability to communicate with the \$75,000 limit, do you feel that if citizens in Winnipeg really understood this legislation as well as you do that there would be a stronger cynicism about politics and perhaps a deterrent for having those people exercise their democratic right to get out and vote for a political party?

**Mr. Olynyk:** Well, I believe that there's a large majority of the people right now who are cynics of politics and people that run for politics. I believe everyone sitting around this table is a very honourable person, which, I feel, is a public duty. I don't think anyone here is getting rich being an MLA, but the general public doesn't perceive that. The general public doesn't really understand what's going on today. It's business as usual for them. They're actually lackadaisical to a point and don't pay attention. We have to spell out and give them time. They're busy people; it's spring. In springtime, you know, this might be a good time to speedily put this bill and get it by. People really aren't paying attention, and I think that they need to really understand what's going on here.

I do believe, though, that the media is finally getting hold of this issue and saying, wait a minute, let's talk about it.

**Mr. Borotsik:** Just for the record, I also would like to say that every member around this table is an honourable individual. I've been involved in politics a long time, and I can honestly say each individual, whether it be in opposition or in government, is here for the right reason. They're here because they believe in what they stand for, and I'll say that of the government and I'll say it of the opposition members as well. So, Mr. Olynyk, you're absolutely correct.

In saying that and I just want to ask you a question that I asked the last presenter. I think I know the answer, but I don't wish to put any words in your mouth. The reason I'm asking it is because I want to make this very indelible in the minds of the government today. I go back to a comment where I made earlier, be very careful for what you wish for because you just may get it. If the roles were reversed and we were government and they were in opposition and this legislation hit the table the way it did, one day before the eleventh hour before the sessional order was expiring, do you think that they

would support this legislation going forward as quickly as they are trying to get it through right now?

**Mr. Olynyk:** Definitely not. I think that there's got to be a sense of fair play and a level playing field. I think that, with any group sitting opposite this bill, flags would go up. You know, it seems to be unfair gamesmanship of here we go again, you know, it's getting close, I can feel them breathing down our neck. Let's make things a lot tougher and I've got a good idea.

I mean, to me, it reeks of unfairness. It's so unfair. I can't believe that the public isn't marching around the Leg. If this was the United States, you know, people would be up in arms over a legislation like this.

**Mr. Goertzen:** I'd just like to ask whether or not you think—Mr. Olynyk, I thank you for your presentation and your commitment to democracy in Manitoba—whether or not public hearings if they were more broad in the province would be a good idea. I use the federal example because I know this hearing process, no matter how it proceeds, there's always a challenge because people go on a list in terms of when they call in and there's no sort of ability to say when you want to present. You just sort of show up on a list, and if you're No. 85 on the list, you're still told to come the first day when there's no reasonable opportunity or no way you're going to get up, no matter what happens at the committee.

The federal side has a slotting system. You can phone in, and they sort of ask you when it would work for you and they try to put you in for a certain time. They have the hearings often outside of the Parliament, and then they go on a bit of a tour. So there's a bit of an opportunity for other people to make presentations closer to the home. Do you think that for this particular bill this would be a good idea to, in Manitoba, have those hearings outside the Legislature and other places in Manitoba, perhaps tied in with the Senate hearings which are already proposed by the Province?

\* (20:40)

**Mr. Olynyk:** Well, I believe you hit on a very good point, and I'll tell you I'm a family-first guy. You know, my life has been on hold for the last three days. My daughter, Jade, is in the crowd, and we've come directly from swimming. Yesterday we were on, you know, my daughter is on call with me because I'm the coach of her soccer team, so we're on call at a soccer game because from 4 o'clock on



Monday I've been waiting for my call for my opportunity to do my duty. I like to bring something back to the community. I feel the community's done a lot for me over the years since I've been a young fellow, so I want to give something back. So I thought, well, I'm going to come and have my chance to have my short 15 minutes of fame.

But I believe that, yeah, these should be roving hearings. We should be going all over the province. I think, rurally, the people out in rural Manitoba are getting the short end of the stick. This isn't a convenient time to come down to the Leg. It's hard to get parking. I would even like to see these roving commissions maybe go to the mall or some kind of storefront operation in your neighbourhood. Where I work we try to go out to the neighbourhood and go out to communities. I think if we could do that rurally, if we could go to, you know, break the city up into regions, go out there and make it more accessible, and maybe if we're more accessible people become interested in what we're doing out here, and they say, listen, these are good things that are happening, they had some good ideas, bad ideas, but, I'll tell you what, the next time there's an election, I'm going to vote. You all know around the table how many don't vote, and I believe that's a crime. If 60 percent of people are voting, what are the other 40 percent doing?

If 60 percent of people are voting in my ward, and 60 percent of them are voting for Chomiak, who's left to vote for me? So I've got to get those people interested.

**Mr. McFadyen:** Thank you very much, Mr. Olynyk. I want to thank you for the presentation and the patience in waiting and putting your family on hold. You've just made the point about running against the current Member for Kildonan, Mr. Chomiak. I think you're well aware of the sacrifices involved as a candidate in an election campaign. Everybody around this table has been through it, regardless of party. I want to echo and support what you've said about the nobility of public life.

I want to ask you, you were campaigning just over a year ago in the provincial campaign in the Kildonan constituency against the sponsor of Bill 37, Mr. Chomiak. He is the lead sponsor of this bill. I want to ask you, because you would have seen the literature going around from door to door in that campaign: Do you recall seeing anything in Mr. Chomiak's campaign platform or literature that said one of the first things he was going to do, if elected,

was introduce a vote tax? Do you remember seeing that as part of his platform?

**Mr. Olynyk:** No. With all due respect to the honourable minister, Mr. Chomiak, no, I can't recall seeing anything like that in any brochures. But I do recall seeing him out on the streets knocking on doors a lot.

**Mr. Chairperson:** Any other questions?

Thank you, Mr. Olynyk, for your presentation here this evening.

**Mr. Olynyk:** Thank you very much.

**Mr. Chairperson:** The next presenter we have on our list is Jim Spencer. Welcome, sir. Thank you for your patience.

**Mr. Jim Spencer (Private Citizen):** Thank you.

**Mr. Chairperson:** Do you have a written presentation, sir?

**Mr. Spencer:** I do.

**Mr. Chairperson:** Just give us a moment and we'll distribute your presentation to committee members. Then we'll give you the signal to proceed.

Please proceed, Mr. Spencer.

**Mr. Spencer:** Okay. Thank you. Great way to spend, I guess, what is a summer evening. It would be nice if we could do this on a patio, but so be it.

Okay. I'm here this evening to speak against Bill 37. In looking over some of the more blatant examples of one-sidedness in this bill, I keep wondering what the reaction of the current government would be if another party was in power and they brought in the exact same legislation. I'm quite sure that the party of Stanley Knowles and Tommy Douglas would quite rightfully bring out some of the most righteously indignant campaign that one could imagine. They might even create some policy think-tank like Choices to tirelessly work against this legislation.

The reason they would do this, I believe, is because the NDP does have a long history of believing in the rights of all citizens to have a free and effective opposition. Now we see this episode of politicians engaged in a rather obvious attempt to hold on to power, and it makes me wonder if someone has missed something, or do I understand this whole thing correctly?

*Madam Vice-Chairperson in the Chair*

There are extreme examples of people trying to cling to power all over the world, and one should not be surprised that this rather human impulse has come here to Manitoba. Having said that, it still comes as a huge shocker to me, and I can only hope that someone comes to their senses before it's enacted.

If I read the proposed bill correctly, it states that the \$75,000 limit on advertising expenses is an annual limit on a registered political party for all advertising expenses. I can only imagine the conversations that went on behind closed doors. But I'm sure someone must have noticed how screwed over the Tories would feel if their entire budget was limited to some paltry amount like \$75,000. My apologies for borrowing a rather aptly worded headline from the *Free Press*. Now I've worked in the advertising business in the past, and I know that a \$75,000 budget to deal with the entire province on a range of issues would be totally unrealistic. Without the ability to deliver a message often enough and to a broad enough audience, you are, in effect, stifling any meaningful opposition. But then, again, in the absence of any sound logic to the contrary, I guess that is the whole point of this legislation.

One can only wonder what will be next if this particular strategy doesn't work. Maybe we could limit the amount of talking opposition parties do with voters as this is simply a form of word-of-mouth advertising. Of course, I'm being a bit ridiculous here. Any fuel used for driving could also be included in that total.

One thing I remember from the run-up to last year's provincial election was that it seemed every time I turned on the TV the nurses' union was warning of the dire consequences of not voting for the NDP in the pending election. I realize they did not use those exact words, but the impression was certainly there. It seems entirely too much for me that the governing party gets a huge advantage from this type of third-party advertising, plus they have the entire provincial communication budget at its disposal to advertise its own policy agenda. Once again, democracy takes a hit because of the obvious ability of the governing party to get the message out in so many ways other than relying on a restricted \$75,000 budget.

So, given the obvious advantage the governing party will have with this legislation, it baffled me that they wanted to provide any kind of funding to the opposition. After reading certain editorials, however, it has become obvious that there is a

concern that the NDP are not raising money as readily as some others. Couple that with the fact that the governing party obviously has the most to gain from a per-voter subsidy, and it starts to make sense. What doesn't make sense to me as a taxpayer is that we already have adequate subsidies in place to make the system work, and I believe this additional \$1.25 per voter is simply not required. Why throw more taxpayer money at a system that already has significant tax credits and payment of party election expense subsidies already in place?

I will leave the analysis of the lobbyist part of the bill to others, but I wasn't aware that we had a problem in this regard. My only comment would be that, given the slant of the rest of this legislation, I can only conclude that the purpose is to put some type of control or bureaucratic impediment in the way of opposition parties.

To the party communications, one thing I do not understand is that the government dominates the committee that makes the rules on communication, then an obvious bias and weakening of the opposition could take place. Once again it appears this is designed to make it harder for the opposition to get their message out to the public.

\* (20:50)

To conclude my remarks, I would like to ask the committee to consider significant amendments to this legislation. I have not mentioned it earlier, but if it's about a fixed date election, then close the loophole for the upcoming election. As I read it, the next election can be called any time before the set date. I simply don't understand that. In addition, remove the restriction on advertising, or at the very least find a more balanced way to deal with this issue. I would like to see the \$1.25 subsidy eliminated, as it is unnecessary, given the level of subsidy already in place. I would also ask you not to set rules for communications from opposition parties that make it harder for them to do their democratic job.

This legislation moves us in the wrong direction in terms of protecting our democratic rights, and, as such, should not be passed in its current form. Anything that moves us down that slippery slope should concern us all. Obviously, the current government is convinced they serve the best interests of Manitobans, and somehow it must make sense, to some people at least, that using a few million tax dollars or creating a weaker opposition can only keep the government in power, which ultimately leads to what is best for the people of Manitoba. After all,

what harm can come from manipulating the system as long as it serves the greater good. The problem with that logic, and I've heard it from several other speakers tonight, is that it works both ways, and what happens when the next party gets into power.

My smart-alecky criticism aside, this legislation is not good for democracy in our province and should be of concern to every citizen, regardless of their political affiliations. My late father endured the Great Depression, fought in the Second World War, and was a supporter and organizer of the CCF/NDP. He worked both here and in Saskatchewan. But, above all, he brought us up to believe that freedom and democracy were paramount. He, along with many others of his era, would be very worried, and I say that very seriously, about this legislation. I'm very worried as well.

If I've got just a moment, one of the quotes that I thought was excellent was the Preston Manning editorial. One of the lines he used was: to witness Manitoba's New Democratic Party proposing legislation restricting democratic discourse must be hard for the true democrats among its MLAs and supporters to bear. One wonders whether the NDP caucus actually saw, debated and approved this legislation before it was introduced to the Manitoba Assembly.

Thanks. That's it.

**Madam Vice-Chairperson:** Thank you, Mr. Spencer.

Are there questions for the presenter?

**Mr. McFadyen:** Just on the very last point that you made, Mr. Spencer—and I want to thank you for the time that went into the presentation. It's a thoughtful presentation, and you've provided some personal insight into your background that I think is interesting and, until tonight, I was unaware of, even though I've known you for a little bit of time now and have really appreciated the relationship.

I want to just ask you, if you were a member of the Legislature, yourself, and I know you have a keen interest in politics, and your premier or a member of the Cabinet in the party that you belong to introduced this sort of bill, what would you do? Would you speak up against it, or would you sit silently and allow it to go through?

**Madam Vice-Chairperson:** Mr. Spencer, I have to recognize you.

**Mr. Spencer:** Okay.

Absolutely, I'd be speaking against it. I don't have any particular interest in running for politics, but I certainly have no apprehension about speaking out against that which I disagree with. If I think the NDP has a good policy, I would support it. If I think the Conservatives have a bad one, I'd be against it. I sincerely mean that comment.

You can't help but being brought up with someone, especially who fought in the Second World War, and have that appreciation for democracy. It's kind of drilled into you. [*interjection*]—I don't think that's me.

Anyway, I just wanted to add to that, that's the crux of this thing and that is the reason I'm here tonight. I just don't understand why a party such as the NDP would ever want to put this in. Eventually, you're going to lose; it's inevitable that you're going to lose, and whoever gets into power, they'd be nuts to ditch this legislation because, if they play the game the same way as some cynical people are starting to believe, it's ridiculous for the people in Manitoba.

**Mr. Lamoureux:** I want to echo the Opposition Leader's comments. I think that it is very admirable that you came, and I love the fact how you brought your father in to your presentation. In changing The Elections Act, or what we call The Legislative Assembly Management Commission Act, which are two big concerns for me, I would argue that, if you're going to change either one of those two, before you bring in the legislation, you should actually have party consensus, all-party consensus on it because of the very nature of the type of legislation. Would you agree with that?

**Mr. Spencer:** Well, I think in an ideal world, yes, an all-party consensus on something as important as this would make sense. In a practical sense, I don't know how you get differing parties absolutely agreeing on everything, if that's what you mean. What I tend to believe in is in any majority situation, i.e., the majority of the people in Manitoba, if they understand this situation, if it had been brought to the electorate going into the election, there's probably a good chance there'd be a different governing party today, because no one—I don't think any politician would want to be labelled by the press or anyone else as being anti-democratic, and, if this legislation was looked at hard enough and long enough, I don't know how you come to any other conclusion.

**Mr. Borotsik:** Thank you. I echo my leader's comments, and the Member for Inkster (Mr.

Lamoureux), thank you for making a very bold presentation. I appreciate it very much, particularly the comment about where you believe that freedom and democracy are paramount. This legislation, as I read it, and certainly as people have made presentations, seems to be nothing more than power for the sake of power. I don't read anything else into this legislation as to how it is expanding democracy, how it's reforming the democratic process, discussions that I've had before at other levels of government. This, to me, as I said earlier, is just simply nothing more than attempting to secure power for the sake of power. Do you read that into this legislation as well?

**Mr. Spencer:** When I looked at it, in fact, when it first came out I thought, you know, plenty of smoke from the politicians; there's really nothing here, but when you read a couple of the editorials, and I got a copy of the bill, absolutely. That's the only conclusion you could come to, that the party in power is worried. It's coming to the end of its third mandate. They do so much that's great for this province. No one else could be as wonderful as they are at it, or as effective as they are at it. What's wrong with tinkering a bit with the system to allow them to stay in power? I think that has to be, as I said earlier in the presentation, sort of the human impulse of any politician, and, you know, it goes on and on. Absolute power corrupts absolutely, and so on, and that's sometimes over-the-top rhetoric. But, if you've been in power for—I don't know how many years this government's been in power; the thought that they might lose on the fourth term must be pretty real. Eventually, that's going to happen. But there are enough people that don't really pay a lot of attention to politics. If you manipulate the system enough, you get the extra votes, especially in this province where it's usually pretty close, and you get in again. That might be a cynical look at it, but I can't get anything else out of it when I read it.

\* (21:00)

**Madam Vice-Chairperson:** Thank you very much, Mr. Spencer.

The committee calls James Dain, private citizen. Once again, the committee calls James Dain, private citizen. Mr. Dain's name will be dropped to the bottom of the list.

The committee calls Sandra Johnston. Sandra Johnston. Sandra Johnston's name will be dropped to the bottom of the list.

The committee calls Mark Tisdale. Mark Tisdale. Mr. Tisdale's name will be dropped to the bottom of the list.

The committee calls Rick Negrych. Sorry, Mr. Negrych, I understand I said your name incorrectly. I apologize.

**Mr. Rick Negrych (Private Citizen):** It's been a long two-and-a-half evenings.

**Madam Vice-Chairperson:** Mr. Negrych, do you have a written presentation you wanted to circulate? No. Okay. Please proceed.

**Mr. Negrych:** I've sat here now, six hours on Monday—I think it was Monday; it's been so long, I've forgotten what days we are in—last night I was here four or five hours, and I've been here tonight since six o'clock. I've been observing what's happening around this table. From a party that's in government, I find it very disappointing to see that lackadaisical attitude that's here. As a citizen, and paying taxes, to be paying people that will come here and, basically, twiddling their thumbs, yawning, getting up and walking around, you know, it's almost—I'm at a loss for words to describe the attitude that I see. I would think this would be a very, very serious matter that we are here for, debating legislation that's going to control and dictate what happens in our province.

In my presentation on Bill 37, under the smokescreen of fixed election dates, there are four other bills there that will drastically affect the livelihood, the running of this province. Whether it's opposition or whether it's the governing party, it's deplorable to think that they would think that the citizens of Manitoba, because this is the province we're in, would be that naive that they would just say, yeah, go ahead and do whatever you want. There's a huge number of people who've registered to speak against this thing, these bills. It's just hard to know what goes through the minds of some of these people that try to slide and sneak this kind of legislation through a House that is supposed to be honourable and upright and is supposed to personify to the people of Manitoba that, yeah, we're here, we're here and concerned about your welfare. We're concerned with what's happening in this country. We're concerned.

I'm going to try and go at it at a different angle. After listening to a number of presentations over the last couple of evenings, much has been said against these bills, and some with great passion. Last night,

when we heard Mr. Green, that was worth the price of admission itself, sitting here for three nights. I think it kind of put a different spin on it and kind of took the—the first night I sat through here, I was angry. Last night, my attitude changed, and today I've almost gone back to being angry again of what's happening.

Manitobans, it's no wonder we only got a 50 percent turnout at the polls last election, when they see this kind of stuff happening. Hopefully, through this committee, these bills will be stopped. Or is it just a waste of time? The governing body says, these are the bills we are proposing; whether you like it or not, we are going to do what we please. That seems to be the attitude that's happened over the last number of years.

I live in the city of Winnipeg. I was born in this province back in the '40s. Whether I'm dating myself or not, that beside the point. But we used to have governments that really cared at one time. We had governments not too far back in the '90s that cared about not wasting people's money. But, all of a sudden, we have a government now that figures they can just come in here and do as they please.

If I'd have spoken on the first night, my thoughts were different, and again last night were different, but tonight I have fear for this government. The way they are using this Bill 37 as a smokescreen to bring in other legislation, the fact that it's a set election date, that's one thing. That's not going to make any difference, but the stuff that's hidden in it, the vote tax, which is another tax, and, on top of it, if you listen to some of the teachers here that they had last night and the night before, there's a COLA involved that comes along with it, not just a straight \$1.25 tax, there's a COLA.

I used to work for the provincial government. Mr. Doer was our union rep, and the last contract that he signed before he switched over to the NDP government he left 2 percent on the table because he said employees didn't need it. I wonder why he'd do that. Perhaps he was in bed with the NDP, so he knew where he was going. Working for the government might be one thing, but under the government union it's not what it's all made out to be, because it's controlled by the NDP government, totally. The money that I paid as an employee went to funding NDP coffers and their election campaigns and their waste.

The way they're trying to pass this bill is called deception, deception of the worst kind, trying to

make it sound like it's an election date, but there are so many other things that are hidden under it. From where I come and believe, some 8,000 years ago, God created the universe and created Adam and Eve, and created a perfect situation. But Satan deceived Eve, and a curse fell upon this land. As I look at what the NDP is doing to this country, this province, it's deception, and there's a curse coming on this province, too.

Crime, what's being done about crime? Instead we're sitting here and wasting time trying to decide whether the NDP need an extra \$1.25, where they should be dealing with crime. Mr. Chomiak, who's the Justice Minister, why would he be worried about \$1.25 with the crime that's going on in this province? Pass legislation to deal with this crime.

I've heard so much over the last couple of nights about the federal government. Don't worry about the federal government. They'll take care of their own House. Deal with the problems in this House, and the rest will take care of it. The federal government doesn't worry what's happening here, but we seem to be so worried about what's happening in the federal government. They say it's the federal government that has got to pass these laws. Well, as I recall, in 2007, in January, the Conservatives tried to amend the Young Offenders Act. There were two honourable members from Winnipeg, Judy Wasylcyia-Leis and Pat Martin, who voted against it. Yet they came back to Winnipeg and said, yes, we have to do something about the young offenders, because they are getting away with murder, and murder in the true sense.

\* (21:10)

Our car theft. They steal cars and they run people down on streets. They run through stop signs. They kill people on bikes. Just the other day on McGregor and Pritchard, last night, in fact, another stolen car. I didn't hear whether anybody got killed in that or not, but the blame keeps being put back [*interjection*] Pardon me?—oh, time flies.

But, you know, the blame keeps being put on Ottawa and not taking accountability for what you're supposed to be doing. When I heard what's happening here, my mind went to a couple of countries called China and Burma. In Burma they had a cyclone, but the government was so worried about a vote that they're having and staying in power by changing the legislation, as happened here, that it took two or three weeks for the United Nations to

come in and help the people that are being devastated.

China, took them how many days before the media was let in to show the world the devastation and atrocities happening there. You know, I mean, you might say that's Mother Nature. No, I believe it's father God that created that. But it's the government, instead of looking at little things like how they can get more money and stay in power, or how they can change things to manoeuvre and manipulate people of the province instead of governing and dealing with the problems. They're more interested in the power than they are in humanity and the people of the province.

We have people leaving this province. Why? Because—

**Madam Vice-Chairperson:** Mr. Negrych, if I could have your closing comments. Actually, you're past your time.

**Mr. Negrych:** I guess if my closing comments have anything to say or—

#### Point of Order

**Madam Vice-Chairperson:** Mr. Goertzen, on a point of order?

**Mr. Kelvin Goertzen (Steinbach):** Yes, I wonder, I notice that—

**Madam Vice-Chairperson:** Just, if you can pause for a moment, Mr. Negrych, yes.

**Mr. Goertzen:** I notice Mr. Negrych doesn't have a tremendous amount more, but I do think he's brought forward a thoughtful presentation, given the fact he's been here all three nights listening intently. I'm sure that there would be leave of the government members to allow him to finish his presentation at his speed, Madam Vice-Chairperson. Can I ask for that leave?

**Mr. Swan:** Yes, I have no difficulty with Mr. Negrych finishing his presentation, on the understanding that it would then come out of the question time. As he's indicated, it's been a long wait, and we want to make sure that everybody following is not put out. So I would agree to let Mr. Negrych finish on that understanding.

**Madam Vice-Chairperson:** Is that agreed by the committee? Mr. Goertzen?

**Mr. Goertzen:** No, Madam Vice-Chairperson, that actually wasn't what I was asking. I just was simply

asking for—I can't have the Member for Minto changing what my ask was. I was asking for leave to allow him to finish his presentation, and then we'll have the normal question period. That's what my ask is; I don't want it to be amended by the Member for Minto.

**Madam Vice-Chairperson:** Is there leave—just prior to putting that to the committee, maybe I could ask Mr. Negrych, could you tell me how much longer do you perceive that you might be—

**Mr. Negrych:** Another maybe five minutes in presentation.

**Madam Vice-Chairperson:** Another five minutes. Is there leave from the committee to allow the presenter to finish with, keeping in mind that he would also then have his question period of five minutes?

**An Honourable Member:** Leave.

**An Honourable Member:** No.

**Madam Vice-Chairperson:** I hear no from Mr. Swan.

#### Point of Order

**Madam Vice-Chairperson:** Point of order, Mr. Swan.

**Mr. Swan:** I would suggest, then, that Mr. Negrych be given leave to complete his presentation, on the understanding that it would come out of the time normally set aside for questions so he can finish his presentation.

**Mr. Lamoureux:** In order to save the committee some time, this is exactly what happened the other night in the other committee room. The Member for Minto had taken the hard line. I don't think whatever we say is going to change the fact once he's taken that position. He never changed the other night, so I would suggest that we just allow the question to go.

**An Honourable Member:** Let's just proceed.

**An Honourable Member:** Same point of order.

**Madam Vice-Chairperson:** Just a moment. The honourable Minister for Justice had the floor next.

**Mr. Chomiak:** Yes, thank you, Madam Vice-Chairperson. Let's let Mr. Negrych proceed and let events take their course. We have presenters here. They've waited a long time. Why don't we just do that and proceed and see if we can function as a committee on that basis so that it doesn't set a

precedent, but we'll allow it to go. Would that be a fair compromise? *[Agreed]*

**Madam Vice-Chairperson:** Just so we're all agreeing on the same point, we're not setting a precedent; we're allowing Mr. Negrych to have five more minutes to do his presentation. We'll then allow the normal time for questions. *Agreed? [Agreed]*

\* \* \*

**Madam Vice-Chairperson:** Hearing no dissent, please continue, Mr. Negrych.

**Mr. Negrych:** I appreciate that.

As we try to bring this legislation in, there's another concern I have: health care. One of the promises, the NDP government said, we're going to cut down wait times. The other day, we had a patient in a waiting room had to pay to wait in a waiting room. From cutting back waiting lines, now they are having to start to pay. I guess that's rent for the hospital or whatever. I'm not sure what that is.

My wife had to wait five months for an appointment to see a doctor, a specialist, only to have him tell her that she needed an MIR, two weeks ago now, and he still hasn't called with an appointment. So now when is that MIR going to happen? After that MIR happens, when is the treatment going to happen? And we're worried about fixed election days? We're worried about a tax of \$1.25 so we can help a party stay in power, to get a jump on advertising and everything else?

Our nurses, in the last election, not all of them, the union took it upon themselves to bash the opposition. Why? Yet, on the same hand, the nurses themselves were told to be quiet because a union is representing them. I have some personal friends that I pass out information to in regard to that, and they were scared to speak up because their union was going to jump all over them. They might have—well, I don't know if they would have lost a job, but there's a possibility that they would have made it very difficult. As young girls, they didn't want to take a chance because they had a career ahead of them that they spent time getting educated and went into it.

Our country was formed on freedom of speech and democracy. That's what our country is founded on. However, as this government goes forward, that is quickly—not slowly, but quickly—being eroded. We are admonished to pray for our leaders because they are elected officials. Yes, we are to do that, because they are put in there and taken out, not by their own

choice, but God has control of that, whether you believe it or not. We are to do unto others as we'd have them do unto us.

Is this the kind of government we want the opposition to run, if in government, or do we want to be treated fairly and have the government use our tax dollars properly?

As elected members, we are to be—I ran in the last provincial election and I did not get elected. Mr. Martindale is my MLA. But we are to be servants to the people that elect us, not dictators.

Just to go back to crime for a while, I've been involved in the Burrows residential association. In the constituency of Burrows, there are five or six different associations that are dealing with safety, which is part of crime, in the associations. Over the last two or three years, five or six associations have started a safety committee. Now, in William Whyte, there are police on the street, seven days a week, 24 hours a day, six of them, thanks to the police chief that's there.

After two and a half years of working hard and getting all this organized, Mr. Martindale sends invitations to unite the forces. I wonder why he's doing that. Could it be just so they can find out who the MLA is? Because we never see him on the streets. The only time we saw him, half of the people in the constituency didn't see him until the last election. He was door knocking. Many of them said, we don't know who you are; get lost.

There's much more, but my time is up. Thank you.

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

Questions for the presenter.

\* (21:20)

**Mr. Borotsik:** Thank you, Mr. Negrych. I appreciate your comments. I appreciate your concerns on certain other areas outside of the legislation before us.

I guess the comment I would make and a question that I would ask is, you have—and every right to—this is what we call a free society and a democratic society—stand up there and to critique the services that are being provided by a government that should be providing services on your behalf. Those are our rights here as residents of Manitoba. You gave your opinion on health care. You gave your opinion on crime. You gave your opinion on

union advertising, or advertising and unionism, which is exactly what you should do and should be allowed to do. Under this legislation, as an elected member of the Legislature, if I wanted to put out mailers or householders critiquing the NDP on those three areas, I would have to go to a committee of this Legislature, and they would have to say whether I have the right or not to send that out, whether it's partisan or non-partisan.

In your opinion, do you believe that's right, Mr. Negrych, that I should have to do that?

**Mr. Negrych:** No. In fact, what I saw here the first night when there were presentations presented and the request was made to read these presentations from taxpaying citizens, that was denied. If you are looking for a freedom to express in writing, and advice or whatever, and you have to come before a committee that's stacked NDP, we would probably get the same results that we got Monday—a denial. Because it's called censorship. Is this freedom of speech? No. Deceitful attempts to stifle the public of Manitoba in speaking out and letting everybody know—if the provincial government or the people of Manitoba—if this committee that's being run right now was on TV and the people of Manitoba could see how it's being run, I can assure you there would be a landslide Progressive Conservative government because the people of Manitoba don't want dictatorship.

**Mr. McFadyen:** Thank you very much, Mr. Negrych, for the presentation and, again, for the dedication in spending so many hours in this committee room over the last three nights.

I'm pleased that you commented on the enjoyment and edification, I think, that we got from Mr. Green's presentation yesterday. Hopefully, notwithstanding the long wait for your chance to come and speak, hopefully, you've found it an invigorating process to be part of.

I did have some questions arising from the presentation, but you did make a comment early on in the presentation that suggested that NDP members of the committee were not very engaged in the process. So, rather than my asking a question, I'll just defer to the members for Radisson (Mr. Jha), The Maples (Mr. Saran), Flin Flon (Mr. Jennissen), Selkirk (Mr. Dewar) and Gimli (Mr. Bjornson), who haven't asked any questions tonight, just to allow them to respond to that, because you raised an issue that they may very well—may not sit very well with those members, when you indicated they had been

sitting here twiddling their thumbs and not engaged. So I'd like to defer to those members.

**Madam Vice-Chairperson:** Did you have a comment, Mr. Negrych, on that?

**Mr. Negrych:** No, but I'm open to hearing from these MLAs, and I'm interested to know what they think.

**Mr. Chomiak:** Mr. Negrych, I thank you for your presentation.

I, too, believe that our belief is to do unto others as we would have them do unto us. I think you've come here and you've pretty roundly criticized some individuals and our party, but I think that's your right as a PC candidate and as a Progressive Conservative to do that. That's one of the great things about this country, that we can express our opinions and, you know, you can say people are twiddling their thumbs and that's—we fight with words, and I think that's one of the great things about our democracy. Then, every four years, we go and the public makes a choice, and I think that's great about democracy. That's why we fought in elections, and I know you fought a robust campaign against Mr. Martindale. You may run again, and maybe someone else will run. But I think that's what's good. We come here and speak publicly. I don't know if you know that we're paying \$1.95 per vote at the federal level for the Conservative government. I hope you bring that point up because we have to all engage in this.

So thank you for your presentation. Let's do unto others as they do unto ourselves. I think that's the way that we should treat each other as individuals, and I think we should treat each other around this table like that too. Thank you.

**Madam Vice-Chairperson:** Thank you very much, Mr. Negrych. Our time for questioning has finished. So we thank you very much for your presentation. *[interjection]* Yes, please, Mr. Negrych, please feel free to respond.

**Mr. Negrych:** Again, as I mentioned in my presentation, let's not worry what the federal government is doing. Let's clean our own house. We're so worried, we spent thousands of taxpayer dollars worrying what the federal government is doing. They spend their own money. We don't need to worry about them. Let's clean up our own house. You said I criticized the NDP here tonight; you can criticize me if you want, and I appreciate that. As long as it's constructive, I will take it.



But let's not worry about the federal government so much. Let's deal with the crime. Let's deal with the health care. Don't worry about a \$1.25 in more taxes. We're losing all kinds of people to other provinces because they can't afford to live in this province. They're taxed to death.

The government is going to try and pass legislation to get COLA when all the retired teachers—myself, I was a mechanic for years, I don't get full COLA every year. I have a business that I run right now. I have to run that business. After I retired two years ago from the provincial government, I run that business, so I can pay my taxes which, presently, in the last eight to 10 years have gone substantially higher because of the present government. Cut taxes. The federal government is cutting taxes; the provincial government is raising them.

Equalization payments, 40 percent of the money that the provincial government has wasted comes from equalization payments. What a joke.

**Madam Vice-Chairperson:** Thank you very much, Mr. Negrych. We thank you for your presentation.

The committee calls Peggy Prendergast.

#### Point of Order

**An Honourable Member:** Madam Vice-Chairperson, point of order.

**Madam Vice-Chairperson:** Yes, Mr. McFadyen.

**Mr. McFadyen:** Just on a point of order. It is the right of the committee to provide leave to members to extend time and provide leave to members to respond to points made. When Mr. Negrych made the point about this government focussing unnecessarily on federal government actions and not wanting to deal with provincial actions, I know the Member for Gimli (Mr. Bjornson) and the Member for Selkirk (Mr. Dewar) took exception to that. They were grumbling and grunting. I just want to ask leave of the committee to permit those members to respond to what Mr. Negrych said on that point.

*Mr. Chairperson in the Chair*

**Mr. Chairperson:** The honourable Minister of Justice, on the same point of order?

**Mr. Chomiak:** Yes, thank you, Mr. Chairperson. First of all, the member doesn't have a point of order. I think we should follow Mr. Negrych's advice. Let's not talk about the federal government and the equalization payments, and the federal government

taxes, and let's focus on the issue here and do unto others as we do unto—we all have equal rights in this committee. I trust the Leader of the Opposition (Mr. McFadyen) will give the same direction to his own party members—to his own party members—as he gives to all of us around the table. Let's get back to the public presentation, which is what we're here for, as Mr. Negrych said.

**Mr. Chairperson:** It was my error as Chairperson; I misunderstood. I thought there was a point of order raised. That was in error. I believe that Mr. McFadyen had asked for leave of the committee to allow for members to ask questions of committee members—[interjection]—of the presenter, pardon me. I don't believe you need leave of committee for those members to ask questions. They're free to ask as they choose. The same rules apply to all members of the committee.

**Mr. McFadyen:** In response to that, the reason I asked for leave is that we were out of time. I know that the Member for Gimli and the Member for Selkirk, from their reaction, appeared to want to say something in response to what the presenter said. I just wanted to have the committee provide them leave to respond, but if they've decided now that they want to remain silent, that is certainly their right. I'll withdraw that request for leave if that's the case, Mr. Chairman.

**Mr. Chomiak:** Again, as I said in the paper, let's get on with the public hearing and stop the filibustering of the Conservative Party. Let's stop the filibustering and let's get on with the public hearing, Mr. Chairperson.

\* \* \*

\*(21:30)

**Mr. Chairperson:** I think we'll move on with the public presentations. I'm sure that's what we're all here for.

The next presenter we have listed is Peggy Prendergast. Peggy Prendergast. Peggy Prendergast's name will be dropped to the bottom of the list.

The next presenter we have is Nancy McDougall. Nancy McDougall. Nancy McDougall's name will be dropped to the bottom of the list.

The next presenter we have is Karen Boughton. I know she's here. Good evening, Mrs. Boughton. Welcome. Thank you for your patience.

Do you have a written presentation?

**Mrs. Karen Boughton (Private Citizen):** Yes. If you would pass it out.

**Mr. Chairperson:** All right. Just give us a moment, and we'll distribute it to the committee members. Then we'll give you the signal to proceed. Thank you for your patience. Please proceed when you're ready.

**Mrs. Boughton:** Thank you, Mr. Chairman, Mr. McFadyen, Mr. Chomiak and all members of the committee.

I thank you for allowing me to come here this evening and express my thoughts on some of the Bill 37. The four topics I'm going to speak on are the fixed election date, the vote tax, censorship and the consumer price index, CPI.

Fixed election date. This part of the act I can happily support, provided it is planned for a date that is suitable for the majority of the population. This would include farmers and other people who work seasons, where the seasons control them. Students of university and college would also provide a manner where the students can be accommodated to be able to vote where they are, where they are doing their regular daytime routine. As well, once the date is established, I hope it would be faithfully retained.

The vote tax. This would certainly build a good sum for the party in power, the NDP. It will in no way balance the playing field for the other political parties, as had been said so many times, but why must the taxpayer be expected to oil the political election machines? No, this is not fair or reasonable for a way to build the war chests.

Censorship. This looks like, feels like, tastes like, smells like certain past world powers who have sought all power and control of their government in order to build an empire for dictatorship. In a democracy, and Manitoba is a democracy, this cannot be tolerated in any manner. We must recognize the red flag that is waving before us when any governing body attempts to censor the words, the publication or any other communication of any political party with their communication with the public or with its constituents.

The consumer price index, CPI. It is interesting how this present government can use a CPI index to assist them when- and wherever they would wish to use it for their own purposes. However, in this province of Manitoba, there is presently a large contingent of seniors who have amply paid for their inflation protection throughout most or all of their careers. This is a group of retired teachers. I am not

speaking for the group. I am speaking as an independent citizen. The sums that each have paid amount to thousands of dollars, money that has earned good returns and is kept in a fund.

The government has considerable control of this amount of money. This seniors group was recognized by the Conservative government in the 1990s. However, the concept of this plan and the act that is governing it were laid down in a period of the Schreyer government. Mr. Schreyer saw the need of these seniors at that time and took steps to correct the untenable situation. This present NDP government chooses to ignore the situation. There are people of this senior group who would not be in poverty if the act prepared for them was read and dealt with fairly.

There are people who are not quite at the poverty level, but they're getting closer every year with the shrinking dollar due to high inflation. Many attempts have been made by this group of seniors to honestly, justly, and fairly have this addressed since the Doer New Democratic Party took charge, but to no avail. Any of these attempts seem to end in no percentage change in our cost of living, or COLA, as it relates to CPI.

These seniors, I feel, have suffered bullying and abuse this past year from the government. This government has now linked itself to the union head of the MTS, which consists of the act of people following the same careers as these seniors followed. Both the government and the union stance is to hold this generation of seniors down to as little as possible of the CPI. One reason, it seems, is that we live too long, and the government and the union heads seem to want to keep the money these seniors have invested for their own inflation protection to use in the future for those in the same present careers.

This is the power of a government which seeks to make front-page coverage, radio interviews, and photo ops of their fine social acts for all who can read and hear but, at the same time, to be unjust and unfair to the commitments made by the past NDP government. The money that is being spent at this particular time to bully and abuse these present seniors will probably never be known.

This is about the only one of comparable senior groups or retired teachers groups in all of Canada which is being so treated. These seniors are actually forfeiting what they have paid for the protection that was promised years ago, and this is being done by the NDP. I have sat in the Legislature; I have heard a private member's bill, how many times this year, and

it is simply talked out of time. Yes, this government has made an offer, an offer of a benefit reduction with no guarantee of any amount of CPI ever being paid. There is no guarantee on that report.

\* (21:40)

This is to replace what was written into an act in the past Schreyer government's time. Yet they can take their amount of CPI and use it for their own purposes without asking or paying into it in any way.

I am one of those seniors. I am a retired teacher in the province of Manitoba. I began my teaching career on permit on a grade 11 at 17 years of age with a yearly income of \$1,000. After finding some way to complete my grade 12, because grade 12 was not offered in my community, neither was grade 9, 10 or 11—we had to find our way. After I found a way to complete my grade 12 and take my Normal School, after one year of Normal School training, my yearly salary was \$2,000. That was in the early 1950s.

I feel what is happening for myself and this particular group of seniors is unfair and unjust.

I have known financial struggles. I have known them most of my life, and I thought that, when our MTS, way back in the '70s, was making these agreements with the NDP government under Schreyer, I thought perhaps I won't have to worry through my 60s, 70s and 80s. Well, my 70s are just about gone, and I don't see anything much brighter for the 80s because, if this document is legislated, it will be another 10 years before we can negotiate anything better for our seniors.

To me, NDP justice is no justice at all. If they cannot recognize the correct spirit of the legislation for deserving seniors regarding CPI, then they should not contemplate any amount of CPI for their own concerns until they can reasonably bring justice to this group of seniors. I thank you.

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

Questions of the presenter?

**Mr. Goertzen:** Thank you very much, Mrs. Boughton. That was, I think, moving and instructive, and I know you spoke from the heart and touched many of the hearts I think here at this committee. I know it's a long evening for anyone, and we particularly appreciate the fact you've stayed to give your presentation that was meaningful and instructive for us.

I know you indicated in your presentation that you're not specifically here representing the Retired Teachers' Association of Manitoba, you're here as a private citizen, but there have been a number of presenters over the last two days. We've heard many presenters representing RTAM, the Retired Teachers' Association of Manitoba, and they've spoken, not all equally as passionately, but all very well about the need for a fair COLA and how this bill seems to give a COLA for politicians. The NDP are the only party that are actively asking for this particular piece of financing for their party.

But I wonder, because the Minister of Education (Mr. Bjornson) is both here tonight and has been here for a number of presentations from RTAM, have you heard whether the Minister of Education has responded formally to RTAM to the passionate pleas that he has heard? He hasn't spoken here at committee, but whether or not he's responded to RTAM on the passionate pleas that he's heard here tonight and the last couple of days.

**Mrs. Boughton:** I was here on Monday evening and tonight. This hasn't come up by any other speaker but me that I have heard tonight. So, no, I haven't heard Mr. Bjornson speak on it.

**Mr. Goertzen:** I do want to say that there have been some presenters—I know sometimes not everybody's here for every presentation—from RTAM. They were given a very good discussion about the need for a fair and equitable COLA for you and for teachers who have done so much service for our province in building the foundation for our young people who are now contributing in other ways throughout the province and throughout our country.

So I do hope that Mr. Bjornson will heed the passion that you've given tonight and others and respond to the very valid and real concerns. There's never the wrong time to do the right thing, and I appreciate you coming here tonight.

**Mr. Chairperson:** Do you wish to comment, Mrs. Boughton?

**Mrs. Boughton:** Mr. Bjornson has been a person that I have looked up to; I have appreciated, but I feel this year we have really, really been let down after so much work has gone into this. There are so many more avenues that can be looked at, but we're cut off at the one avenue, and it is going to be a very minimal, if any, COLA for us, but there are so many more to be looked at and considered. I've been on the committee that has been working on them and I do

feel that I don't have that many more years to wait for a COLA. My time is running out, and I hope that Mr. Bjornson will consider how possibly angry I am about it, that others are feeling the same.

Thank you.

**Mr. Borotsik:** Thank you, Mrs. Boughton. Don't take this the wrong way, but I want to be just like you when I grow up. I think you're just an absolutely outstanding presentation. Age, really, is all in your mind. It certainly isn't in your body, and I appreciate the fact that you've given us what I believe is to be a very uplifting presentation.

Again, we go back to the reason for this committee as an opportunity to share your opinions with members of the Legislature, whether they be government or whether they be opposition. I'm glad you took the opportunity to sit in the gallery for as long as you have to share that with us. Again, don't take this the wrong way. I know that you believe sincerely, and legitimately so, that you and, perhaps, your organization has been bullied by this government. Well, Mrs. Boughton, I can assure you, sitting on this side of the table looking at this legislation, I can tell you that I feel equally bullied by this government in having this legislation, I'll say, rammed down the throats of Manitobans in such an undemocratic fashion. The process that it was put forward was wrong. The eleventh hour deadline was wrong. The fact that we're having hearings—and that I accept—that it wasn't consulted with by Manitobans either during an election or, certainly, prior to the legislation being tabled in the House.

So I feel just as bullied as you are. I wish I had other avenues of redress, as you do, believe me. We will try our darndest to help you, if you help us as well.

My question to you with respect to this legislation, Mrs. Boughton, is the COLA that's being placed on the vote tax that we have right now, and I'm trying to get my words properly here. There are other areas in the province of Manitoba that they could use CPI or COLA, and that would be on an indexation of tax brackets. It would be on an indexation of the basic personal exemption. It could be on retired teachers' pensions. They could use that, but do you not find it strange that the only time they used the CPI is when it benefited them in their fundraising opportunities?

**Mrs. Boughton:** I haven't noticed it as clearly as when I began to read the act, and I was very, very

surprised that that—no money for what has been written down in the act for us, but money to oil the war machines, the election machines. To me, what people are living day by day is what really counts, and that's where the extras should be put, especially when it has been promised and paid for as we have done. It should be there and it should be considered first.

\* (21:50)

**Mr. Chairperson:** Mr. Graydon, one short question, sir. We're almost out of time.

**Mr. Graydon:** I have one quick question. I'd like to thank you very much for your bold and straightforward presentation. I really appreciate that. That's the type of person that I am, of course, and I appreciate it from others.

Tonight and a number of nights that we have sat—a number of nights before we have sat from 4 until 10. For people like yourself that are on pension, retired, or would like to retire, and maybe only semi-retired because of no COLA, would you suggest that the 4 to 10 would be better served for the public to express themselves versus the 6 to 12 that we would sit tonight?

**Mrs. Boughton:** Yes, because right now at 10 to 10, I'm getting a little weary and my speech isn't as clear. My head isn't as clear. I would hate to have to present at midnight. I couldn't do it. So there must be other people like me even though they're not my age. Yes, I think the 4 to 10 is a far better time.

**Mr. Chairperson:** Thank you very much, Mrs. Boughton, for your presentation here this evening and for your patience. I appreciate that. Time is expired.

The next presenter we have on our list is Keith Boughton. Please come forward, sir. Good evening, Reverend. Hope you're well.

You have a written presentation, I take it, being distributed?

**Mr. Keith D. Boughton (Private Citizen):** Coming up.

**Mr. Chairperson:** We'll start in a few moments. Please proceed when you're ready.

**Mr. Boughton:** Mr. Chairman, members of the committee, I'd like to say that I've known your Chairman and his wife and then the sons, I guess, close to 30 years now, so that was my reaction to say, hi. My wife has spoken very nicely; don't let that

white hair fool you. Don't let that cause you to think that because it's this time of night, she's not keen on what she's saying.

This bill is a smorgasbord. I'll speak to the vote tax. You know, as soon as you start talking about the vote tax you begin to legitimize it. As far as I'm concerned, it's both unnecessary and it's another exorbitant burden on the people of Manitoba. Where money is concerned, strict policies that protect the economic welfare of the people of Manitoba are to be in strict fiscal control. To me this is a very unnecessary tax burden on the population of this province. It should be given no consideration whatsoever. It's one more drawing money out of people's pockets. As we drove down from Southdale tonight, the gas price is now \$1.32, plus another point nine. The gas price is just going to kill us, and this vote tax, once the general people begin to see what's going on here, it's going to get interesting. Enough said on that.

As far as gagging a political party, what is the idea of a level playing field, and where does the idea of political dictatorship raise its ugly head? It's amazing that such an idea can even be fielded by the governing party of Manitoba. As far as I'm concerned, this idea should be dropped like a hot potato, the hot potato that it truly is. I'm only speaking on two of the units of this bill. As far as I'm concerned, the bill should die. Thank you, Mr. Chairman.

**Mr. Chairperson:** Thank you, Mr. Boughton, for your presentation.

Questions of the presenter?

**Mr. McFadyen:** Firstly, thank you, Reverend Boughton, for taking the time to present tonight and for being patient in waiting until this hour of the night to put your comments on the record. We certainly appreciate the respectful tone of the presentation.

You've known the Chairman considerably longer than I have, but I do want to note that I think he's running a good committee tonight, even though he belongs to a different party than I do, so I think that's important to be put on the record. And he's run a good committee, not just tonight, but the other nights as well.

Reverend Boughton, I just want to ask you, did you indicate that you live in the Southdale area?

**Mr. Boughton:** Yes.

**Mr. McFadyen:** I just want to ask you, your MLA as of the election would be Ms. Selby, in that case. I want to ask whether you recall anything in Ms. Selby's campaign literature when she was campaigning a year ago, that one of the first things that she would do on getting elected as a new MLA would be to support the introduction of a new vote tax. Was that part of her platform in the election a year ago, as far as you can recall?

**Mr. Boughton:** I don't know whether I remember anything that she might have put at the door, but, certainly, we never saw her.

**Mr. McFadyen:** Was it your understanding when you went to vote in the last election that the NDP was running on a campaign of introducing a vote tax and limits on political parties, or was this something that's news to you in terms of what's come forward lately?

**Mr. Boughton:** It's news.

**Mr. Lamoureux:** Could I ask the presenter, if this legislation was to pass unamended, what it would prevent me as a member of the opposition from being able to do, if I wanted to put a comment and say the New Democrats are not providing the COLA for retired teachers, it would prevent me from being able to put that down on a paper and using mailing privileges of the Legislature and mailing it into, if I want to send a couple hundred letters into a certain area of the province. It would prevent me from doing that. This is the first time that anything of that nature is actually being proposed. How do you react to that?

**Mr. Boughton:** Very negatively. Very negatively. You should have, any party should have, the freedom to advertise as they so choose. Censorship is something that we should not tolerate. The things that are presented should be in good taste. But, beyond that, people should have the freedom to present what they like.

**Mr. Lamoureux:** Again, how would you respond if I told you that, if I was to find an editorial in a newspaper that commented on an issue and, in that editorial, even though it's an excellent commentary on a hot issue in the province of Manitoba, because that editorial had NDP in it, that the government disallows me to be able to produce that document?

**Mr. Boughton:** I'm not sure of your question.

**Mr. Lamoureux:** Should I be able to reproduce an editorial that's written in, let's say, the *Free Press*, and be able to circulate that editorial because I

believe that it's a good editorial and people should be aware of a particular issue that that editorial is talking about?

**Mr. Boughton:** I can't see any problem in that.

**Mr. McFadyen:** Thank you, Mr. Chairman.

Reverend Boughton, just as a final question, you may know that the way this committee process works is that the initial items of business deal with some of the process and procedural issues, and we dealt with some of those on Monday evening. The next phase is public presentations, and that's the phase that we're in right now. For many of us, it's the phase where we learn the most in terms of what the people of Manitoba are thinking about a bill. It generates a lot of the ideas that we then take forward into the next phase of the process, which is where we as MLAs introduce amendments to the bill.

I don't think it will come as any surprise to you or anybody else that members of the Progressive Conservative caucus and, I expect, the Liberal member of the committee will introduce many, many amendments to this bill when we get to that next phase, one of which will be to do away with the vote tax provisions, another of which will be to do away with the CPI increase, in the event that that amendment fails, and another of which will be to do away with the provisions of gagging the parties. We as a committee will introduce those amendments. They will be debated by the committee members and then ultimately voted upon.

I'm just wondering, given your interest and your dedication and being here through the public presentation phase, whether you would ask the committee that you be able to attend that next phase where the amendments are brought forward and voted on, so you can see how all of the members of the committee vote when those come forward. Is that a portion of the process you would want to attend and, if so, would it be your request tonight that the committee sit at such times and hours that would make it convenient for you and others like you to attend?

\* (22:00)

**Mr. Boughton:** No problem. I certainly could do that.

**Mr. Chairperson:** Any other questions?

Thank you, Reverend Boughton, for your patience this evening and for coming out and making a presentation to our committee.

**Mr. Boughton:** [*inaudible*] I controlled myself.

**Mr. Chairperson:** That I know, only too well.

The next presenter we have on our list is Norman Asher. Is Norman Asher in the audience? Norman Asher? Norman Asher's name will be dropped to the bottom of the list.

Georgina Jarema. I hope I pronounced your last name correctly, ma'am. I'm sure you'll correct me anyway. Welcome. Please come forward. Thank you for your patience.

Do you have a written presentation?

**Ms. Georgina Jarema (Private Citizen):** I did and I had copies of it, but I changed it all and I didn't have time to make copies.

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

**Ms. Jarema:** My name is Georgina Jarema.

**Mr. Chairperson:** Jarema. Thank you.

**Ms. Jarema:** I came to here to express my concern about Bill 37 after reading an article in the *Winnipeg Free Press* on Thursday. It was about what the writer called a vote tax. I went to the Internet and read Bill 37. I became concerned. Why should one party receive more money and have an advantage in the election? I read two more articles about the bills the government was putting forward in Friday's paper and decided to attend the hearing.

I came to the meeting on Monday and found out that other bills were also on the agenda first and that there would be over 100 people who also wanted to speak to Bill 37. I sat and listened for six hours, as did many others. The next day I thought of not showing up because my name was so far down the list, but I would go to the very bottom if my name was called and I was not there. So I showed up on Tuesday after making an addition to my presentation.

This was the addition. There were comments made at last night's meeting about the intentions of people coming to this hearing. This is the first time I have come to such a meeting and was surprised to hear such comments. I want you to know that I came here with good intentions. In my case, I think that the government is moving too quickly and in the wrong direction. Why would I not want to tell you that before this bill became law? I thought this meeting was not about whether I supported the government or the opposition but about whether this bill is good for Manitoba. I would want you to hear what people

with different points of view have to say. I sat and listened for another six hours and went home and decided to include other observations that I wanted to make, but thought that this is the way that they carry on, so just make your presentation.

Here are the other observations. There were many times at both meetings that I could not hear speakers, not because the audience was talking, but because both sides of the House were talking to each other and to members on the other side. How could they hear what a speaker came to say? Some of the members of the House were obvious about not being interested in what people had come to say, where they were holding up a newspaper and reading it. Others were not so obvious. Although you could tell that they were still reading the newspaper because they were flipping its pages, at least the newspaper was on the table. I have noticed that you are behaving much better today.

I wondered why the government put so many bills and such long bills on the agenda. Also, why did they not make changes to the agenda once they knew that over 100 people registered to speak? Is it because people like me, who noticed that they were giving a full COLA to a tax vote but had not adjusted income tax thresholds to inflation or given retired teachers the COLA that they paid for, would come to speak?

Now, should I make the effort to show up on Wednesday or just give up as so many did already? In Wednesday's morning paper I read that many of the people who came were Tory supporters. Well, I'm not a Tory supporter, sorry, and I'm now not so sure that I will be an NDP supporter. I'm looking to the Liberals to see what they're going to be doing, or maybe I just won't vote. Thank you.

**Mr. Chairperson:** Thank you very much, Ms. Jarema. Is that the correct pronunciation?

**Ms. Jarema:** Jarema.

**Mr. Chairperson:** Jarema. Thank you very much for correcting me.

Questions of the presenter.

**Mr. Goertzen:** Thank you, Ms. Jarema, for coming tonight, and I hope before the next election you'll certainly look at all political parties, although my friend from Inkster will be happy with your comments here tonight.

I do want to ask you about the process, and I agree with you. I do agree with you that—well, I

know sometimes we think, and there've been statements, that this is sort of the best process in Canada. It's a unique process in Canada. I'm not sure that it's the best. There are other processes where presenters—because what happens here, as you've experienced, is that there are 100 presenters that show up on a list. They're all advised that when the committee starts, but there's no realistic way, even if there were no procedural issues to deal with at the beginning of a committee, that a hundred presenters would ever be heard in a night. It would normally be four to five nights later.

Certainly, I know at other levels of government there are committees that, sometimes they travel, have specific slots for individuals. You have a discussion that you phone in, say you want to present. They say what would be sort of a good time for you, and they try to work with the presenters on that time. They get slotted into a specific time, and if they want to come and hear the presenters for the entire day, they can, or they can simply show up at their assigned time.

Do you think that that would be a better process than what you've experienced here as a first-time presenter? I'm assuming you're a first-time presenter here in Manitoba.

**Ms. Jarema:** I don't know what's the best way to do it, but I think something should be done. I don't mind sitting here and listening to people. I learned a lot. I didn't realize that taxpayers were paying so much for election campaigns already, and so I did learn things. However, 100 people showing up the first night. I'm sure many of them just said, hey, I'm not going to bother.

**Mr. Lamoureux:** It sets the point that I would kind of like to go back to. You sounded like you were really close to maybe not coming here even this evening, and it might have been the paper this morning that ultimately made that decision. Do you think the committee should be doing anything to try to accommodate those that were on the list by re-inviting or do we just—if they don't show up, leave it at that?

**Ms. Jarema:** Again, I don't know the best way to do this, but I know there should be better ways, and I'll leave it up to you people to figure those out.

**Mr. Chairperson:** Any other questions of the presenter?

**Mr. Graydon:** I really appreciated your comment when you said that there was some confusion at the

table that you couldn't hear. Perhaps that's something we can improve on. The other comment that you made—and I will move up closer to the mike. The other comment that you made that I really think is terribly important is that part of the panel are not engaged in listening to the presenters. How does that make a presenter feel when they have taken the time to come here, not one night, not two nights but three nights, and part of the panel is not engaged at all. They either have a paper or they yawn. They ask no question. How does that make you feel inside? Does that make you feel that democracy is in action?

**Ms. Jarema:** Well, obviously, it doesn't make a person feel good. People come here, they expect to be listened to or at least pretended to be listened to.

**Mr. Chairperson:** Thank you, Ms. Jarema, for your presentation this evening. Thank you for your patience as well.

The next presenter we have on our list is Jae Eadie. Good evening, Mr. Eadie. Please come forward. Welcome. Thank you for your patience.

Do you have a written presentation, sir?

**Mr. Jae Eadie (Private Citizen):** No, I don't, Mr. Chairman.

**Mr. Chairperson:** Then please proceed when you're ready.

\* (22:10)

**Mr. Eadie:** Thanks very much, Mr. Chairman and committee. I just have a few notes to try to keep me focussed.

I am here, of course, to speak on Bill 37, which is actually five bills in one bill. I've taken the opportunity to read through all of the sections of the bill. Probably with lots of time, I could offer some commentary on all of them, but I'm going to focus on a few sections that are important to me with regard to some of the amendments that are being proposed here.

I, first of all, want to indicate to the committee that I am a very strong supporter of the parliamentary system of government. You serve in the parliamentary system of government here, and you should know, as I do, it's the best form of government ever created in the world. One of the reasons that parliamentary government is so much better than, say, the rigid American system of government is the parliamentary system of government is built on flexibility. Parliamentary

government can and is able to adapt to and meet—and adopt to circumstances that may arise from time to time that wouldn't necessarily be forethought of at the moment.

So, having said that, I want to indicate right off the hop that I am strongly opposed to the notion of fixed election dates for the parliamentary system of government. To me, that's just simply an abrogation of one of the principles of parliamentary government and the flexibility that whoever the Premier or Prime Minister of the day has to ask for a dissolution and an election at any time.

So I'm opposed to the fixed-date process. As far as I'm aware, there's never been any large demand from anyone from the citizenry to have fixed-date elections. I can assure you that fixed-date elections will do nothing for voter turnout. That's been proven in other jurisdictions. Just look at the United States, for example. I can also assure you that the average citizen won't get giddy about the fact that from now on they'll be able to tell, on the date, every four years when there's going to be an election. They just don't care. People know that an election will come when it comes, and they'll get themselves engaged during that 30-odd-day process, and thereafter they'll get on with their lives. So you're not going to accomplish anything.

But I know it's become trendy. The federal government has now implemented fixed dates for Parliament. Some provinces have done it. I know, I believe, that the states of Queensland and Victoria in Australia have done it and they, too, are parliamentary democracies.

I don't want you to think that I'm one of those people like those old codgers on the TD Bank commercial who's opposed to change, because I'm not. I've been involved in lots of change, but, in this case, you're trying to fix something that isn't broken. So I just want to put on record, in principle I'm opposed to the fixed-date election process in a parliamentary form of government, which this is.

Having said that, I can tell you that it is vitally important in section 49.1(1) of this bill that the powers of the Lieutenant-Governor are retained to dissolve the Legislature at his discretion. That is vitally important. If the situation arises where the government of the day loses the confidence of the House, and you should know that the government must always have the confidence of the House in order to govern, and if that confidence is lost, that



usually necessitates a general election, and that usually necessitates the Lieutenant-Governor making that order. Nobody else can do that except the Lieutenant-Governor. We've had that situation just 20 years ago in Manitoba. It doesn't happen frequently, but it is vitally important—if you're going to have a fixed-date election process, it's vitally important that the other process remain intact, and that is that the power of the Lieutenant-Government to dissolve at his discretion is retained in the bill.

I want to move on to the proposal in the bill to postpone a fixed-date election for three months which is really something that I find unusual. If, in fact, you establish a fixed-date election, you are proposing in this bill that if an emergency arises, and provided the Legislature isn't already dissolved, that the election can be postponed for three months. That decision is made by Cabinet.

It's interesting, the language of the bill. It says, in the case of an emergency and I'll quote, requiring the significant emergency response resources of the government to prevent the flood or reduce its effects, unquote. I, first of all, raise the question, why do you think it's necessary for an election in an entire province to be postponed for three months because there might be a flood somewhere? The Canada Election Act allows for a postponement in a multiple number of constituencies where an emergency might occur, but in the rest of the country, the election carries on as established by the writ of election.

This proposal in this bill doesn't even have that feature in it. It simply says if this type of emergency situation arises, the entire provincial election is postponed for three months. I don't think that's necessary; 30 days at the most, maybe, and not in the entire province. It's not likely that we're going to have such a flood affecting every single one of the 57 ridings at one time. There might be a few. I think the election act already allows for a deferment. We have had examples of deferred elections in our history before, if you care to look back. I don't see the reason and the need to postpone an entire election for three solid months. I think you've got to look at that again, and look at what some of the other provinces already have, including set-date provinces in their legislation.

I'll move on to an issue that I have with voter list preparation. Under section 64.1(5), I was really excited when I read this one. I thought, finally, Manitoba's getting into the 21st century and the Chief Electoral Officer of Manitoba will be able to

utilize the National Register of Electors for the preparation of a voters list in this province. Finally, we're getting modern. Then I moved on to the next section, 65(1) and 65(2), which appears to be contradictory, and it says, the Chief Electoral Officer shall conduct a door-to-door enumeration of voters to prepare a voters list. Has nobody told you this is the 21st century? Door-to-door enumeration is old-fashioned and it's expensive. When all of the taxpayers of Canada have already paid for the National Register of Electors—and I can tell you from nearly 10 years of experience it works and it saves money and it's flexible. I invite any of you, if you're ever in Ottawa, to go and visit Elections Canada head office on Slater Street and see the process and see the technology that is used for the preparation of voters lists. It's flexible, it can be adapted to Manitoba. It has been adapted to the city of Winnipeg for municipal elections now for nearly a decade.

Why would you not say in this bill, at least have the option for the Chief Electoral Officer to either utilize the National Register of Electors or, in his or her discretion, conduct a door-to-door enumeration? But, for God's sake, don't mandate this continued door-to-door enumeration. That is so old-school and so out of date and so old-fashioned today, and it's time consuming and it's expensive. There're many other things one can spend on an election, but you don't have to do that anymore. With the modern technology that is available today and has been paid for by all of the taxpayers of Canada, it's available at a very nominal fee to any election jurisdiction who needs to utilize the National Register for the preparation of voters lists. I invite you to look at that section when you're dealing with this bill clause by clause, and don't make it mandatory for door-to-door enumeration. At least make it an option, and look at the option of authorizing the Chief Electoral Officer to get into the 20th century—21st century, I should say, when it comes to the preparation of a voters list.

I make a comment on schedule C, which is The Elections Finances Act. Other people have already commented before me. I indicate to you that I'm opposed in principle to a notion that every taxpayer in Manitoba should be paying \$1.25 per vote to support political parties. I know it's already been done federally. I don't agree with it there. I don't agree with it here. I generally don't agree, in principle, with the proposal that we use tax dollars to even fund 50 percent of a party's election expenses. That's been around for a while. I didn't agree with it

then, but this simply is making a bad situation worse, in my opinion. There's no valid reason to ask every single Manitoba taxpayer to contribute \$1.25 today, and it'll increase with time over the years, to every single registered political party based on the number of votes they got in the last election.

As I said before, Mr. Chairman, it was an error for the federal government to do this three or four years ago. You ought not to compound the error in the province of Manitoba by doing it here, and other people who have been here before me have probably spoken at great length about that.

\* (22:20)

I guess my final comment, Mr. Chairman, within the time I have is with regard to schedule D, which is The Legislative Assembly Amendment Act. This is one part of the bill amongst others that really is very ambiguous, in my view, in its language. It's subject to very wide interpretation, but the relevant section, which is 52.22, states that an MLA's mailing and printing privileges cease 60 days in advance of the fixed-date election. Now what really does that mean?

Mailing privileges and mailing, there's no definition of them anywhere in this bill that I could find. Am I to take it, for example, that within that 60-day period, if I write to an MLA and make an inquiry of an MLA about, say, a piece of legislation before the Leg, or ask the MLA for some comment on policy, or make a comment on policy and ask for that MLA's response, that the MLA cannot write me a letter in return and provide that information or provide an answer to my query, because it might be deemed partisan?

If he can write such a letter, does it first have to be vetted by the Legislative Assembly Management Commission under rules that are yet to be established under Schedule E of this bill, so that that commission—and I know what it does—gets to vet every MLA's private correspondence?

I don't know what that section means, but that's the way it's worded. Any layperson reading that is bound to interpret it the same way I'm interpreting it, which means that a citizen cannot write to an MLA in that 60-day period and get an answer back, if the response to that letter might be deemed somehow partisan-political.

If that's the intent, I think you're really on the wrong track with that. That's really taking away the right of a citizen and an MLA to freely correspond

with each other in this period where the Legislature has not even yet been dissolved.

I understand the process after dissolution when MLAs really don't exist—the Legislature doesn't exist and neither do MLAs—but before dissolution, within these 60 days? Is there any other interpretation to this, except how I've interpreted it, that an MLA cannot correspond with a constituent in that 60-day period because the LAMC says he can't, or else the letter has to be vetted?

I'll end it there, Mr. Chairman. I'll simply do a summation by saying I think this bill has been hastily written. I think there are lots of areas of this bill that are ambiguous and subject to all kinds of interpretation. The language is not precise and clear. There are some issues and some flaws with it, as far as I'm concerned.

I would agree with suggestions I've heard earlier this evening that, really, the subject matter of this bill should be withdrawn. It should be taken around, have public consultations on it throughout the province and not in conjunction with the Senate consultations, by the way. That issue is important in itself. Separate this out from that but, at least, take it around the province, if you would, and have some public consultations on many of the issues in here, a number of which that have raised red flags with many people.

So I'm going to leave it at that, and I thank the committee for their time.

**Mr. Chairperson:** Thank you very much, Mr. Eadie, for your presentation.

Questions of the presenter?

**Mr. McFadyen:** Thank you very much. Mr. Chairman, through you to Mr. Eadie, firstly, Mr. Eadie, thank you very much for the thoughtful and very precise presentation made tonight on some of the specific aspects of Bill 37. In particular, you put forward some thoughts on amendments around the voters' list, certainly around the issues around mailing privilege and other areas that we are going to take back and begin work on. I think you've provided some very good ideas tonight.

I should just say for the benefit of everybody here, I think I've probably known this presenter for more years than I've known any other individual in the room. We go back to St. James-Assiniboia; Mr. Eadie is somebody that I've respected for a long time as a young person growing up in St. James, as a city

councillor and in a variety of other capacities. He has been both a supporter and a constructive critic, both of which are very much appreciated.

Mr. Eadie, you've got quite a lot of experience, I believe, through roles you've played with the Canadian Parliamentary Association and other similar organizations. I may not have got the name of the organization right but, with our 10-minute time limit, you were required to get straight into the substance of the presentation and not provide the committee or the members of the audience very much background on some of your experience in some of these areas.

I want to just give you a moment to provide a little bit of your résumé in politics. The reason I'm asking you to do that will become apparent when I ask the follow-up question to that.

**Mr. Eadie:** Thank you, Mr. Chairman.

From another life, I'm used to having a maximum of 10 minutes to make a speech. On the floor of City Council, that's the rule. You've got to make your points in 10 minutes and, maybe, you get a two-minute extension, so I'm used to trying to be concise.

It's not always easy to do, as far as sticking to some notes, just so I didn't stray too far. That's something that I've gotten used to; it also helps to focus. I know the process you're going through here. I've done it hundreds of times and I know it can get repetitive and go on and on. I don't blame you once in a while for yawning either, I might say.

I haven't had experience with any Canadian parliamentary association per se, although I read a lot of the literature. I'm just very bullish on the parliamentary system of government and have read a lot of history and have seen a lot of history take place with various facets of the parliamentary system in municipal government. There's no municipal government in Canada that's structured that way, although it would be nice if it was. But that's a story for another day.

In many other associations I've been involved in, either chairing or president of the Federation of Canadian Municipalities, or something, and chairing a large board of directors, I'm aware of the need for orderly conduct and rules, and what have you, and the use of parliamentary procedure in order to keep the meeting orderly and to the point and focussed.

I appreciate the comments. I didn't come here to get comments or to get flattered at all. I'm just here to make my point as best I can and emphasize the principles that I've always believed in, in this structure of government.

**Mr. McFadyen:** Thank you. The intent certainly wasn't to flatter, but I think your history on City Council—and certainly you have been known to those of us who have known you over the years as somebody who has a real passion for parliamentary democracy and a lot of expertise.

The reason I was asking the question with particular focus on your background in municipal politics and, in particular, Winnipeg City Council, is that we've certainly through this process been able to identify some significant flaws in our procedures here. You've directed your comments to the substantive issues in Bill 37, but I want to give you an opportunity to offer some thoughts on the procedural issues that this committee process has given rise to and seek your advice in terms of whether there are lessons that can be learned from the municipal process.

I know from my brief exposure to it there is certainly opportunity for delegations to come forward on a regular basis on matters that come before council and council committees. There's a reasonably orderly and structured process there.

This process is a good one but certainly far from perfect, and I want to invite you just to provide comments on how we might improve the process here in second reading public hearings when it comes to the review of legislation, particularly large, complex, important pieces of legislation like Bills 37 and 38.

**Mr. Eadie:** Mr. Chairman, now that I'm retired from public life, I think a lot of that I might do if you're willing to pay me a consultant's fee, and I'll earn a living doing that.

But, Mr. Chairman, there's no system that's perfect. I think the Manitoba Legislature is one of the few, if any in Canada, that goes through this process of public representation on bills. It's hard to create a perfect system, and, again, having lived through hundreds of public hearings on things like re-zonings and that, it's not the easiest thing to do. It just seems to me that the time during this process could be better spent perhaps—this is just off the cuff—having the Legislature itself not sit for a week and having the committees meet. Then they could start earlier in

the day than this, too, but at least run them through the day and try to schedule people who maybe can't come during the day but can come in the evening and vice versa. My experience was most people can come during the day. I never saw a lack of delegations in my other life because we started our meetings at 9 o'clock in the morning and often the galleries were full.

But you could do it better, I think, quite frankly. The advice is worth what you're paying for it in this regard, but I also think you could be sitting longer than two months, as well, and spending more time doing this kind of thing, again, just shutting down the Legislature itself for a week or so and concentrating on the committee work and doing it all day, rather than trying to jam it into the evening. It's not always good for the public. It can't be that good for you. I know what it's like to work all day and then work all night. You're not fresh. You get tired. You yawn, and, I mean, I'm not offended by seeing yawning. I know what it's like.

\* (22:30)

So there are other ways you can do it, and I think that obviously requires everybody at this table to just get together and look for ways of improving it. It can always be improved and can be made better and more efficient and more effective, I think. The process per se is good, but you're just jamming it into something like this, and it's not always healthy.

**Mr. Chairperson:** Mr. Borotsik, one quick question, sir, because we're almost out of time.

**Mr. Borotsik:** Thank you, Mr. Eadie, for a very well-thought-out presentation.

You had indicated there were a number of sections to the bill. You had also indicated that it would be best to go out and solicit some public debate and consultation. Would it also be your opinion that the bill itself should be split into four separate sections, as opposed to having it come forward in the fashion that it's come forward now?

**Mr. Eadie:** I think, from my perspective, it would be ideal if this should be four separate bills. There might be some that are slam-dunks for members on all sides of the House; others have a lot of issues. You've heard, I believe, from a lot of the public on parts of this omnibus bill. I would rather have done it as four separate bills. As I say, some might be easy and others, you'd have to spend more time with.

The Lobbyists Registration Act is new. I think there are some issues with it, but those ought to be separated out and spend some individual time on them to try and get it right the first time and do it that way. That's not my decision to make but, when I was in another life, I didn't like omnibus by-laws either. If they could be avoided, I preferred separating them out, so that it's clear what kind of legislation it is you're passing. Deal with the ones that are easy and then spend more time on the ones that require more time.

But this is the way it is. I've done my best to try and make a few points in the time I've been allotted. I appreciate the ability to spend that time with you this evening.

**Mr. Chairperson:** Thank you very much, Mr. Eadie, for your patience for coming out here and making a presentation to our committee.

**Mr. Eadie:** You're welcome.

**Mr. Chairperson:** Time is expired. We'll move on to—

**An Honourable Member:** Another good presentation.

**Mr. Chairperson:** The next up presenter we have on our list is Clyde Bramadat. Is there a Clyde Bramadat in the audience? Clyde Bramadat's name will be dropped to the bottom of the list.

The next name we have on our list is Richard Benoit. Richard Benoit? Richard Benoit's name will be dropped to the bottom of the list.

The next name we have on our list is Jeff Plantje. I hope I've pronounced your name correctly, sir.

**Mr. Jeff Plantje (Private Citizen):** It hasn't been pronounced correctly for three years, so it's all right.

**Mr. Chairperson:** Then I don't feel bad.

**Mr. Plantje:** Plan-jay.

**Mr. Chairperson:** Plan-jay.

**Mr. Plantje:** Once upon a time, it was Plant-ia, but not anymore.

**Mr. Chairperson:** My apologies for my mispronunciation.

**Mr. Plantje:** Not at all.

**Mr. Chairperson:** Do you have a written presentation, sir?

**Mr. Plantje:** I don't.

**Mr. Chairperson:** Please proceed, that's fine.

**Mr. Plantje:** Mr. Chairman, committee members, Mr. Eadie is an extremely difficult act to follow.

I had the opportunity last week to speak to the Honourable Jim Rondeau. He was very gracious in talking to me for the better part of half an hour about this particular piece of legislation. In the course of the conversation, the essence of—I wanted to avoid sitting on the sidelines and sniping at something, if I didn't understand completely what the premise was behind the legislation.

As it was explained to me, the premise behind the legislation is to enable parties to recover costs, essentially. The example that Mr. Rondeau gave was that the Green Party has a difficult time sometimes, meeting the costs of complying with The Elections Finances Act and The Elections Act.

My view on that was that, if your political ideas aren't sufficiently gaining traction with the public, that people aren't going to pony up a few hundred dollars to help you meet the costs of doing business—and let's be frank about it. Everybody in this room is in the business of becoming government or maintaining government. Politics is a business. If you can't afford the cost of doing business, then don't do business.

I'm a small businessperson. Some of my expenses are deductible, but I have to earn the income against which that's deducted. I can't reach into the Consolidated Fund and draw my revenues. In essence, it seems to me that's what schedule C of Bill 37 is asking, that the parties be allowed to draw the cost of doing business from the Consolidated Fund. In my humble opinion, that's not fair.

One of the other things that Mr. Rondeau and I discussed—neither of us wanted to see the situation devolve into the situation that we see in the United States, where saying it loudest makes it right, where, in order to say it loudest, you raise hundreds and hundreds of millions of dollars and you bombard the public with your ideas until you've drowned out your opposition. Clearly, we don't want to see a situation like that in Manitoba.

One of my concerns, though, is that this bill sort of provides something on the other side of the coin, which is, I'm not going to shout down my opponent, but I am going to make him be quiet. I'm going to muzzle him slightly with what he can say to his

constituents, and then I don't have to shout quite so loudly to get my ideas across because he can't speak up. We—I was going to say infringe—we limit the things that we can say in a public forum on a continual basis, and that's fine. I mean, I certainly can't stand on the steps out front and advocate violence against minority groups. It's a bright line that we've drawn as a society that says you can say this and you cannot say that.

The difficulty with the provisions in the bill, as I see them, is there is no bright line that can be drawn here. We can't clearly say that's offensive speech. We can't clearly say that's libellous because it's untrue. What we're going to be trying to do is say this is political and that's not political.

Mr. Rondeau, again, in our conversation, said he made an announcement about the clean-up of mine sites. In the course of discussing the clean-up of mine sites in the press conference, he may have mentioned the fact that in doing so the party was fulfilling an election promise. Great. It happens all the time. It's business as usual. It's political speech. Is the minister then going to be forbidden from making extemporaneous comments like that when he's making announcements, if that's, sort of, the line that we're drawing? I don't think we want to draw that line, because in my humble opinion, again, it's going to be too darn difficult to define, so don't define it. It would be a mistake to try and define it.

The other thing that he and I discussed—and again I can't stress enough how much I appreciated him taking a good half hour or 40 minutes out of his day to discuss this with me. This is akin to a tax deduction that we all are allowed if we make a donation to a political party. In my humble submission it's not, because if I make a deduction to a political party, (a) I get to choose which party, (b) I get to choose how much, and, most importantly, I get to choose whether or not I donate it all. Again, it boils down to the promulgation of democracy. Do I like your ideas enough that I'm willing to devote my time, energy and money to help you spread your ideas? If I do, great. If your ideas are sufficiently fringed that I don't want to, then you're going to have trouble raising that money and getting your ideas across, and you won't be able to make up the cost of doing business. So, while it seems rather circular, if you can't do business then such is life. To ask that the taxpayers of Manitoba cover the cost of doing business, I think is just patently unfair.

This may be slightly cynical on my part. I'll throw it out there anyway. I anticipate, and I certainly hope that I'm wrong, but I anticipate that given the hour, metaphorically-speaking, the hour at which this legislation has been introduced and the manner in which it has been introduced, it appears to me that closure is going to be invoked very shortly and this is going to be hammered home. That would be disappointing. I certainly hope that I am wrong in that respect. Were that to be the case, it would certainly appear that the government would be acting in its own best interests and not in the best interests of Manitobans.

Last but not least, this is just sort of a bookkeeping point and, again, this is something that ties into the conversation that I had with Mr. Rondeau. He and I decided that probably the cost of an audit, in order to comply with The Elections Finances Act, is anywhere between \$2,500 and \$3,000, which is great. So say for the sake of argument, 57 MLAs at \$2,500 a piece, that's \$142,500. I was kind of curious of what happens to the other \$380,000 that would come from the current formula. I ask that rhetorically, because it strikes me that the purpose of the bill isn't really to cover the cost of doing business. If it is, that's cynical on its own front, but I don't believe it is. I believe it's just an attempt to fundraise.

Barring any questions, those are my submissions, Mr. Chairman. Thank you.

\* (22:40)

**Mr. Chairperson:** Thank you very much, Mr. Plantje, for your presentation.

Questions to the presenter?

**Mr. Goertzen:** I have two questions, and thank you very much for your presentation and for staying at this hour.

One is a reflection, I suppose, of your conversation with Mr. Rondeau. I also think that it's good that he spent time speaking with you. I think that's an important part of democracy, and I do commend the minister for that.

One of the justifications, as you laid out, for the vote tax was to help to pay for some of the costs that all political parties, whether they're large parties or small parties, have to incur by virtue of The Elections Manitoba Act and The Election Finances Act. While members of our party reject any new vote tax—and I haven't heard of any other political party

publicly who wants it, except for the government—if that was the motivation, simply about trying to pay for these limited costs, wouldn't it have made more sense for the government to bring in a cap of \$50,000 for all political parties who register and go through a process to cover those audit fees and those sorts of things, even though I still wouldn't approve of it?

If the motivation was simply to cover off those perfunctory costs that every political party has—Green Party or other political parties—wouldn't it have made sense to have that at a much lower level than going to a quarter of a million dollars for the party with the most votes?

**Mr. Plantje:** It's certainly an option. It also occurred to me, perhaps, that the cost of those audits could be deductible against the revenues that the parties raise on their own, just as some of my expenses are deductible against my revenue.

**Mr. Goertzen:** The second question on the point that you raised regarding closure—and closure is sometimes debated in terms of what that exactly means in parliamentary terms—but certainly one of the options that the government could employ by trying to, in your words, ram the bill through is to have committees run 24 hours a day, so that the public wouldn't be able to, in a real way, come and hear presentations, to limit speakers to amendments, to have committees operate on weekends when it's difficult to get people to come and listen, as opposed to most normal committees.

Normally, in this Legislature, a committee would sit from 6 till 10 or 6 till 11. The public could come, and there'd be allowance for all members to speak to amendments and those sorts of things.

Would you be equally opposed to the government trying to ram the legislation through by having 24-hour-a-day sittings and limiting MLAs to speak to things like amendments and those sorts of things?

**Mr. Plantje:** I certainly would. Again, just my humble opinion, the bill should be debated on its merits. It should be fully and thoughtfully debated on its merits, and it shouldn't be subject to "deemsmanship," for lack of a better word. I think I would pair it with what Mr. Eadie had to say with respect to that.

The other side of the coin, though, being—and I could certainly understand how the committee, after hours and hours and hours of being castigated for everything from the price of bread to the actual bill,

would be saying to themselves, how much worthwhile commentary are we actually deriving from this?

I don't envy you the process of separating the wheat from the chaff. I'm certainly not presuming that I'm not chaff at this point.

**Mr. Goertzen:** On balance, I assume from your comments that you would disagree with the government trying to run a committee 24 hours at times. Clearly, the public wouldn't be here to listen, even if we're done presentations, to hear the debate and to allow members to speak to amendments and those sorts of things.

You're falling on the side of a democratic principle to have reasonable hours and reasonable debate, I'm assuming.

**Mr. Plantje:** Absolutely. Democracy, in order for it to be effective, has to be accessible.

**Mr. Borotsik:** I don't think you had to have any fear about following Mr. Eadie, Mr. Plantje. Your presentation was extremely well done, well presented. In fact, the other presenters may have difficulty following your presentation. So, it was very well done.

I have two questions. You're a small businessman, you said. In small business, it's important to be able to market your product. You have to get the message to your customer; you have to tell the customer that your product is either the right price or the right quality. In order to do that, you advertise. You get out the message either through word of mouth, or you buy media advertising. It's important, in order to keep a small business going, to make sure that you have customers coming in the door.

The reason I would make that comment is there's an analogy here that, as a political party, it's important that we have ideas, that we have a vision, that we have some positions and platforms that we want to put forward to the public. In this particular legislation, there is, in fact, a cap on the advertising that we can do on an annual basis as a political party; that cap of advertising is \$75,000 which, in my opinion, is draconian to say the very least. How do you feel—you didn't mention it in your discussion or your presentation—about having a government cap the ability of a political party to get their message to the public?

**Mr. Plantje:** I'm actually a lawyer, Mr. Borotsik, and so I'm restricted as to what I can and cannot do with my advertising, but that being said, I'm only restricted in what I can or cannot say. I can spend as much as I'm able to spend, and, while I worry that we would drift toward the American system of who—\$75,000 is a ridiculous quantity of money given the cost of advertising, both in the print and in the media. It's a drop in the bucket.

In the marketplace of ideas I would hate to see a situation come about where the deepest pockets win, but that's never been a priority, you know, it's never really been a concern in this country. So I think it would certainly behoove us to take the fetters off and let the ideas flow.

**Mr. Borotsik:** I was liking you up until the time you told me you're a lawyer, I'm—*[interjection]* Yeah, we've got it all here. They're all shaking their heads now, Mr. Plantje.

No, the question—there is a question here. The question is you did discuss it with Mr. Rondeau and obviously you had a differing of opinion. He was trying to sell his position on the legislation and you were trying to obviously learn more about it and perhaps sell your position a bit. Did you leave that conversation agreeing to disagree or did you have any opportunity of trying to convince Mr. Rondeau of your side of that particular argument?

**Mr. Plantje:** Mr. Rondeau was very polite in listening to me but I don't suspect that I managed to sway him, no. No, we agreed to part ways on this particular concept.

**Mr. Chomiak:** Just two small comments. It probably wouldn't surprise you that 90 percent of the stuff that goes through this Legislature goes through unanimously, with agreement by all parties. Secondly, it may surprise you that quite often, in fact more often, I think, than is portrayed, ideas and comments like yours not only are reflected in the decisions we make, but actually make their way into amendments and things like that.

I think I speak for all politicians here, all political people, I mean, we're effective if we listen to our constituencies, and we're effective if we reflect their viewpoints, and as I said to other presenters, your ideas and your comments will find their way into our deliberations when we go to amendments. I really appreciate the fact that you were—maybe it's my training, but I like hearing both sides of an argument and someone who keeps their open mind,

relatively an open mind to different ideas and that. I think that makes—in a parliamentary system, are we right, are they right? Somewhere in the middle is probably right.

I tend to believe that. I think most people around here—that's how a parliamentary system works. I don't want to talk too long because it's getting late, but I do appreciate—and we should, you know, we should do some follow-up talk and you should talk to Mr. Rondeau after the bills or if the bills are passed or if the bills are amended, as to see what has worked its way through because I can almost guarantee there will be amendments. In fact there will be, and we'll just see how it goes. But thank you.

**Mr. Chairperson:** Mr. Plantje, did you wish to comment?

**Mr. Plantje:** No, thank you.

**Mr. McFadyen:** Thank you very much, Mr. Plantje. I really appreciate the comments tonight and the thoughtful way in which they were delivered and I'm going to speak up on behalf of all the lawyers at the table in taking exception to the comments from the Member for Brandon West (Mr. Borotsik). I don't normally publicly criticize members of my own caucus but I cannot allow that comment to go by without defending my learned friends.

I want to just ask you, and building on what the Attorney General said, there are comments and suggestions that come out of committee that find their way into amendments, and I think some of the comments you've made tonight will form the basis for good amendments. Others have done that as well.

\* (22:50)

Coming back to the fundamental point about the government, whether or not the government—and Mr. Chomiak had a mandate to introduce this bill in the first place. I want to ask you whether, in the course of last year's provincial election campaign, you took the time to study the platforms and the materials put forward by the various parties, including Mr. Rondeau's, and ask whether you recall anything in any of the materials, particularly those delivered to you by Mr. Rondeau, was there any reference that you can recall to a plan to introduce this kind of legislation after the election?

**Mr. Plantje:** Thank you for speaking up on behalf of lawyers. I was concerned that, perhaps, the honourable Member for Minto (Mr. Swan) would have to say that and then it would get partisan. I did,

as a matter of fact, take a great deal of time to study the materials that came around. I was a little annoyed that I'm missing *West Wing* to be here today, but it's certainly worth it.

No, there was no mention made of anything of this sort in any of the political material that was circulated at the time. Fixed-date elections were just a whisper at that point in time. There was certainly nothing with respect to limiting speech, limiting constituency correspondence, with respect to dipping into the Consolidated Fund to pay for the cost of doing business.

Quite honestly, I think it would be rather silly for a party to suggest that during the course of an election.

**Mr. McFadyen:** Since we're on the topic of election platforms, I can't resist this opportunity to ask whether you recall anything in the NDP's platform or material, promising to build the next major Hydro transmission line down the west side of Manitoba as opposed to the shorter, cheaper, more environmentally friendly, and more-sound east side.

Do you recall that commitment being made, a promise being made by your NDP candidate in the last election campaign?

**Mr. Plantje:** A transmission line which would bring a road to the east side of the lake, which would power all the communities on the east side of the lake that are so desperately starving for that electricity, which would enable them to economically develop—no, there was no mention made of that anywhere in the literature, that they would ignore Hydro's own studies, they would ignore the additional cost and that they would run the transmission down the west side of the lake, even though it seems to fly in the face of logic.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Plantje. The time has expired.

Order, please. The next presenter we have on our list is Jack Carroll. Is Jack Carroll in the audience tonight? Mr. Carroll's name will be dropped to the bottom of the list.

The next presenter is Judy Eastman. Is Judy Eastman with us? Judy Eastman's name will be dropped to the bottom of the list.

The next presenter's name is Andy Sirski. Good evening, Mr. Sirski. Welcome. Thank you for your patience.



Do you have a written presentation, sir?

**Mr. Andy Sirski (Private Citizen):** No, I do not have a written presentation.

**Mr. Chairperson:** That's fine, but please proceed when you are ready.

**Mr. Sirski:** Mr. Chairman, thank you for the opportunity to be here. I had a nap, so I'm in good shape. Is it okay to tell a joke?

**An Honourable Member:** As long as it's not about lawyers.

**Mr. Sirski:** There are these two people sitting in church and the sermon was a little long. The minister got carried away—a religious minister, not, maybe, some of the kind of ministers we have here.

One of the people in the congregation said to the other in a whisper, man, this is a long sermon. It's so long my bum's gone to sleep.

The other person says, yes, I know. I heard it snore a couple of times.

Anyway, I'm a farm boy, guys. I'm not a lawyer, I'm not a farm boy. I really am more comfortable making money teaching people how to make money.

So today I came partly, I think it's fair to say that Graydon didn't put me up, the Honourable Mr. Graydon did not put me up to this, but I know him in my other life, and he was telling me about Bill 37. The previous speaker mentioned that, you know, if you feel strongly enough about what a political party does or thinks or advocates, that you should participate. Well, Mr. Graydon told me about Bill 37, and over the weekend—and I registered, okay, with the full intention of withdrawing my name or not showing up. I mean, I didn't really know the process here. I thought what do I need this distraction in my life for? Like, I had retired; I have a pretty nice life. I don't need a distraction like this. But over the weekend I talked to 20 people from various parts of the province and I found out these people told me not one of them knew what Bill 37 was beyond the fact that it's a fixed date for an election.

The other parts of this bill, people did not know about. And these are people who read. They watch television. They listen to the news. They did not know what Bill 37 was. So, instead of participating because I believe strongly that a political party's doing something, I'm participating because I believe there's something wrong here. There is a gross lack of information, gross lack of knowledge in the public

about what this bill really means. So, even though I'd be more comfortable writing articles about how to make money, I'm here using some of my 4-H experience to make a speech or to talk today with you.

I have a couple of quotes. Ronald Reagan, past President of the United States once said: Man is not free unless government is limited. As government expands, liberty contracts.

Thomas Jefferson said: A government big enough to give you everything is strong enough to take everything you have.

Jamaica Kincaid said: Express everything you like. No word can hurt you. None. Not being able to express an idea or a word will hurt you like a bullet.

Mr. Chairperson, I presume you and your committee have been sitting a long time, so I'm probably not going to use my full 10 minutes and, you know, if you keep your questions short, you can all go home a little faster.

Anyway, my mom and dad both came from Ukraine to come to Canada. For what? For freedom. For opportunities, you know. It looks to me like Bill 37 may legislate some of this away. You know, the proposal, as I understand it, will limit discussion, will censor, if that's another word. I really think that this bill should be taken across the province, discussed openly for what it is so that the people of Manitoba, your voters, our voters, begin to understand the implications of this bill and how it will affect their future.

As I understand it, Bill 37 proposes to censor or limit opposition parties in what they say and how much they can spend on literature that might, and as I say, might criticize something the government says or does.

What does this government want to do? It wants to stop possible criticism. That's what this bill would do by censoring literature that the opposition might send to constituents and by limiting how much political parties can spend on that literature. Meanwhile, the government of the day, of course, has no such restrictions.

\* (23:00)

So I have a few questions. Are we heading for a hammer and sickle province? It's called communism in some other parts of the world. Does this government have plans to pass laws that they know will be so unpopular with the public and will attract

such harsh criticism that the government wants to cut this criticism off before it starts with laws? Is this government so afraid of words that it has to pass laws to stop criticism?

I go back to Jamaica Kincaid's quote: Express everything you like. No word can hurt you, none. Not being able to express an idea or a word will hurt you like a bullet.

Jamaica Kincaid, by the way, was born in Antigua, chose writing for a career and was a staff writer for *The New Yorker* from 1976 to 1985. In 2004 she was elected as a new member to the American Academy of Arts and Letters. She has written several novels and has spoken to various conventions around the United States.

I'm a farmer, so I follow agriculture, farming. So far this government has limited or proposes to limit the hog business for farmers in the eastern part of Manitoba. Now it proposes to limit words. At another hearing such as this, a farmer asked Honourable Rosann Wowchuk, the Minister of Agriculture, if the next step was to limit how much fertilizer a farmer can use on his crop. Apparently that clearly upset her. Or is this government planning to manage or, in maybe another word, manipulate the public like Prime Minister Pierre Elliott used to do? He would throw out an idea far out and watch the reaction, and if the public objected violently enough he'd back up and he'd tell them that they'd won.

I was editor of a farm newspaper called *Grainews* for 10 years, and during those years I built bonds with readers, relationships with readers and fidelity among readers by welcoming and publishing criticism aimed at me, my words, and *Grainews*. That's how to win over the public, not with communist-like laws that restrict people and business and discussion.

I grew up in this province. I retired in this province. I have five children who are all still living in this province, but reducing their freedoms is not the way to keep them here. Many of your ancestors as well as mine came to Canada to have freedom. Our young people deserve freedom, too.

You know, on November 11, many of you probably stand in front of the Legislature. Well, why do we have that day? Because people died fighting for freedom. Last Monday, this week, Memorial Day in the U.S., they observed the people who died in

war fighting for freedom, and now are we going to see this freedom legislated away?

Here are some comments from people that I talked to over the weekend. A 25-year-old, he knew that Bill 37 had a fixed date. A 31-year-old retired teacher—he was an NDPer all his life—he said this doesn't seem right when I explained what the bill was. A CN worker, age 40, when I explained it to him, he said this is awful. Farm kids from Dauphin, they knew of Bill 17 because that involves phosphorus and pigs; Bill 37, uh-uh. Then I explained it to another 25-year-old just before I came here, and he said, go speak. People know Bill 37 for its fixed date. They do not know all the implications of this bill, the other parts of it. I repeat, discuss this bill, this topic, clearly across the province and let people know what it's all about.

Our ancestors, your ancestors have fought for freedom many different ways over the years. Please don't take this freedom away. Thank you.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Sirski.

Questions for the presenter?

**Mr. Lamoureux:** I appreciate the presentation, as I do all the presentations. If this bill was to pass unamended, and I'll give you a specific example in terms of what, and I'm going to ask for how you would respond to that.

If the bill passed unamended, it would prevent me from being able to write a petition that would say, the NDP government are proposing Bill 17, which is to the detriment of the hog farmer. Be it resolved that the NDP government be asked to reconsider its action. Then, if I was to take that petition and put it into an envelope and then mail it out to 100 farmers, the government would prevent me from doing that.

As an editor of a former newspaper, how would you respond to that?

**Mr. Sirski:** As editor of the former paper, I'd probably publish it. Maybe get in trouble—because we were bit of renegades. The whole process is wrong, that you would be limited in what you would say to constituents and to voters.

**Mr. Lamoureux:** Do you feel that I should have privileges as an MLA to produce petitions that I feel are important for people to sign and table ultimately in the House?

**Mr. Sirski:** Absolutely.

**Mr. Lamoureux:** And that would include being able to use the term "NDP" in the petition itself?

**Mr. Sirski:** Of course.

**Mr. Ralph Eichler (Lakeside):** Thank you for your presentation.

I do have a question in regard to your background and some of your experience. Obviously, you've got a great knowledge of agriculture, and the background, based on your experiences and your newspaper, which I know has served the rural communities well, and also bringing awareness of that to the urban centre.

My question for you is in your surveys, when you notified these people about Bill 37, what was the general feedback as far as the date set for June? Did you get any feedback about timing as far as that was a good time for an election or a poor time?

**Mr. Sirski:** No. The people didn't even know about dates. I didn't dwell on that. I talked about the content.

**Mr. McFadyen:** Thank you very much, Mr. Sirski. I can say for myself, I think for other members as well, that the personal reflections contained in your presentation tonight are certainly powerful. Some of the family history, I think, will be familiar to other members of the committee. In fact, in different ways, to all members of the committee whose families, ancestors, come from circumstances of great difficulty and strife, who came here looking for similar things. Thank you for articulating that in such a humble but powerful way. That's greatly appreciated.

I want to just ask you, when we reflect on events in history, one of the most interesting things about world history, is that in most cases where democracy was born, it came through revolution and through sudden and dramatic change. Where democracy's been lost most often, it actually happened not through revolution but through incrementalism.

That's not a uniform truth, but if you look back, there is a certain pattern to it. That's why there's a requirement on the part of those of us who are fortunate enough to live in democratic circumstances to be vigilant about stealthy and incremental steps taken to erode our democratic rights and freedoms. We consider ourselves, notwithstanding our objection to provisions within this bill, fortunate enough to be able to sit in this committee room

tonight and express those and listen to some uncomfortable comments and truths being spoken by presenters. Some of them aimed in our direction, others aimed toward members of the governing party.

Certainly, as we reflect on the experiences of President Yushchenko, who was here yesterday, and look at the perils of speaking out in other places, consider ourselves fortunate to have that right here. Obviously, the need to be vigilant is important.

I don't think many members of the government will contradict me when I say this, that this bill was not drafted by or conceived by the members of the Legislature sitting around this committee table tonight, including those on the government side. The story seems to be that it came out of the Premier's (Mr. Doer) office and was introduced by the Attorney General (Mr. Chomiak) at the last possible moment.

\* (23:10)

I want to just ask you if you can provide your reflections or advice to members of the government caucus, who have been relatively quiet through these proceedings, in terms of what you think is appropriate in terms of their conduct to stand up against incremental threats to democracy, which were not of their making, but which were developed and foisted on them by the Premier of the province and the leader of their party.

**Mr. Sirski:** As Ronald Reagan, past President, said, man is not free unless the government is limited; as government expands, liberty contracts.

To have the leader say these sorts of things, it's no different than the power line. Apparently, he said, we're going to put it on the west side. I think that we, as citizens of Manitoba, and you, as members of Legislature, have a responsibility to preserve freedom. Whoever it is, is threatening it; you should find a way to overrule it.

**Mr. Graydon:** Thanks very much for your presentation tonight, Mr. Sirski. I do admit that I did encourage you to make a presentation. However, I would like the committee to also understand that, with the intellect that you possess, I certainly didn't influence your presentation.

**Mr. Sirski:** You're right.

**Mr. Graydon:** Mr. Sirski, with the discussions that you've had in the last couple of days with 20 or 30 people inside the city and outside the city, you

indicated that these people had only seen, or only heard, one part of the bill.

You also made a comment that you felt that it would be wise for the government to take this type of a hearing and this opportunity to the country and throughout the country, so that more people in the province would have an opportunity to get the full impact of what this bill really means.

The question I have is, do you believe, after such an exercise, that it would have any impact on those that have brought this bill in under these circumstances?

**Mr. Sirski:** First of all, I want to show you that, when I decided to call in, I really had also decided I probably was going to skip this event, but just the way things went—there was a program, some news clip that I saw, Bill 37. I saw a couple other things. This is the way my life has been, as an editor anyway. When I needed something, God provided it.

Information just seemed to come on Bill 37, so I started asking questions of people I knew. People didn't know any more about it, except the fixed date which they related, oh, that's what they do in the U.S. It can't be all bad.

My decision, again, to speak today was mine and, by Friday afternoon, I'd written 85 percent what I was going to say today. A couple other things fell into place after I talked to people but they—I knew the concept of what this interference was. Talking to some of my friends and people I knew over the weekend just reinforced everything and gave me more ammunition and more determination to speak. Mr. Graydon had nothing to do with me here today and with what I said.

What was your final question, Mr. Graydon? I forget—memory thing.

**Mr. Chairperson:** Mr. Graydon, we're out of time, so please make it very short.

**Mr. Graydon:** The final question was, if this hearing was taken on the road—

**Mr. Sirski:** I believe that, if you connect—if that's the right word—with voters and explain the implications of this thing, people will begin to understand what this bill is all about. It'll be their job to tell their MLAs how they feel.

**Mr. Chairperson:** Thank you very much, Mr. Sirski, for your coming out this evening and for your

patience and for making a presentation to our committee. Thank you.

The next presenter I have on the list is William Gould. Good evening, Mr. Gould.

Do you have a written presentation, sir?

**Mr. William Gould (Private Citizen):** Sorry?

**Mr. Chairperson:** Do you have a written presentation?

**Mr. Gould:** Yes, I do, sir.

**Mr. Chairperson:** Just give us a moment and we'll distribute it, then I'll give you the signal to proceed.

Please proceed, Mr. Gould. Thank you for your patience.

**Mr. Gould:** Oh, thank you, Mr. Chair.

Before I begin, I'd like to make the point that I was here Monday. I've been here Tuesday and, it's what? Wednesday now? Eleven something?

It's interesting because when I originally read the bill, there were a lot of concepts actually in the bill that I agreed with on the government side. Through the course of the—maybe not debate, but investigation or deliberations, I've been going back and forth. I noticed a few of those things in the front part.

The fixed election dates, I think, overall, is a good idea and, I think it's beneficial, provides consistency in our system. At the same time, you know, the Lieutenant-Governor—we're a constitutional monarchy, I can see where that's coming from. The registry as the, I believe it's the Minister of Justice (Mr. Chomiak) said the other day, you know, we don't want our citizens to think that big money is influencing elections. I think that's a fair assessment to make, but there are some serious, serious issues I see in Bill 37 that I would like to address.

The issue that strikes most to me is this notion that the government somehow has the authority to constrain what the opposition is supposed to do. The reason I have an issue with that is you know, if it's a student council of the middle school, I can understand that. But in a Westminster parliamentary system, the opposition job is to oppose the government. Their job is to be emboldened to be confident and to hold the government in check. We're not like the American system where we have the checks built in throughout the different branches of government. In a parliamentary system the biggest

check to government is the opposition. If the opposition can't check the government, they're not doing their job. That's their job to do. My worry of that is if the money that the Legislature is giving to the opposition to do their job, can't be done to do their job, then why bother having an opposition? It seems pointless to me, particularly in a unicameral system like Manitoba has. We don't have a Senate.

If we have a majority, which we have now in the government, if you look back in the debates in 1867, when the Senate was supposed to be designed to protect minorities, it wasn't ethnic minorities, it wasn't religious minorities. It was political minorities. We don't have a Senate in Manitoba. We don't have someone that can protect against the bills that the majority government puts into place. If the opposition doesn't have the ability to at least discuss partisan politics with the constituents, they can't either. The government remains completely unchecked.

So it seems unconscionable to me to ask the opposition to monitor what they say because it might be too partisan. For example, let's take an objective fact like the NDP government's mishandling of the Hydro file. Most people on my left will say that's a completely objective, factual event. You know, they completely mishandled the file. They built it on the west side against all sound policy. Now I'm sure that some people to my right will say that's slightly partisan, so can that be allowed to be spoken even if, coincidentally, it might be true? So then we're starting to monitor "truthiness?"

\* (23:20)

You know, some people have gone to the complete right of the political spectrum in the last few days, comparing to Germany; to the complete left, comparing it to the Soviets, and I don't think it's either. But what I find interesting and problematic is it's neither. But, you know, if the Conservative government gets elected next and you take one step to the right, it's a lot easier taking another step to the right. Or, if the NDP, who tend to be a little left sometimes, decide to take a step to the left and another left, it's a lot easier to make incremental changes, as the presenter before me presented, than larger ones, which is why it scares me, because it sets precedent, particularly in the parliamentary system where precedent and convention are terribly important. I don't think that's a precedent that we particularly want to set.

I want to go to a few comments that the Minister of Justice (Mr. Chomiak) made as well. Now, if you go into parliamentary debate, the whole point of a government bill to introduce, you know, Be it resolved that is that there's a problem that needs to be fixed. Now, I can't see the particular problem. The NDP have won the last three elections, so I would appreciate it if someone from the government could explain to me where there was a problem with the elections that they won and why a bill needs to be instituted, considering they won the last three elections. What was the problem with that? If there isn't a problem, why bother fixing it?

Going to that, we talk about democracy, and I think it would be fair to say that most speakers that have spoken in these hearings have been, I would say, leaning towards the opposition side, to put it mildly. I think I heard one person support the bill. But if that's the public outcry, then it needs to be listened to, and the bills need to be amended, and they need to be changed according to how the public has spoken. And if they're not, they're not listening to the public.

Now, I'm not saying that's occurring. I'm saying that's what has to happen. And if they don't feel they have a mandate to listen and to do what the public has stated very explicitly—no one's held back; I think a few people have been pretty, pretty blunt—then they have to go across the province and get that mandate. They didn't receive it at the election. They have to receive that mandate by going through public consultations, and not to do that I think would be an affront to everyone who has spoken and who has stayed up until 11, who's been here three days in a row, who's contributing. And you can say, well, you know, they're all Tories, yada, yada, yada, but if everyone that goes out and votes in an election is all NDP, they win the election. If everyone that comes and speaks at a committee is all Tory or Liberal or Green, or whoever, they should be listened to, because they've come.

Another comment that was made, too, was in regard to the level playing field. This is where I've been having a bit of interior trouble here, because I can see the \$1.25, why it was done federally and that, but my problem here is if we want a level playing field and if we want good political discourse, why is one party getting more money than the other? How is that level at all? If we want competition and we want ideas—I believe it was Mr. Green that said: It's ideas that bring money, not the money bringing the ideas. That's an interesting point. Then why are we giving

one party more money than another? Let's just make it all competitive. What do they have to fear, good ideas that benefit all Manitobans? I don't care what party they come from as long as they're on the table.

The other thing was, there's a perception of big money influencing elections. I can understand that perception, but there's something scarier than big money influencing elections. It's big money and big government influencing elections. That's a lot scarier. The perception that he had mentioned before was there's a perception that big money can influence what the government does. Okay, that's fine, but something that's scarier than big money influencing things is government fixing elections. And that's much more of an affront to democracy.

Now, my other thing is, if the bill got passed, I would hope that there would be the conscience and the courage of the legislators, regardless of party again, that would object to the bill and hopefully would defy it. Any bill that limits democracy, freedom of speech, shouldn't be followed, is objectionable and shouldn't be passed. Those are my comments. Thank you.

**Mr. Chairperson:** Thank you very much, Mr. Gould, for your presentation.

Questions of the presenter?

**Mr. McFadyen:** Thank you very much, Mr. Gould, for that presentation. I have a bad feeling you're going to give Sid Green a run for his money before long. It was very well said, very well articulated in a very engaging way, and if you're looking for a nomination at some point we should chat after, not in any held ridings on our side. Steinbach's not available, for the record. I want to make that clear.

But I want to just ask you, in connection with some of the comments that you've made, if you could just reflect on a comment that you made earlier in the presentation with respect to the Hydro decision, as an example, and you made the point that members on this side have stated as a fact that it's being mismanaged. I just want to, for the record, be sure that it wasn't lost on anybody that, in fact, former NDP Premier Ed Schreyer also supports this position, as do several other former NDP Cabinet ministers who know the Hydro file well, so it's not just an opposition position on Hydro.

The other point that you've made in the presentation was that most of the presenters have come supporting the opposition perspective on it but, in fact, the government has their own extensive

membership list, e-mail tree and communications networks and had every opportunity to bring out presenters to support their side of the bill and, yet, have managed only to produce two to date.

I want to just make those comments to you and ask if you would be prepared right now, given some of the intelligent and provocative things you've said, to entertain questions from some of the government members whom, I think, you have correctly pointed out have not had their perspective on this bill properly and fully represented in the course of these hearings.

I want to just ask if you're prepared to allow the Member for Radisson (Mr. Jha) and the other members on the government's side to pose some questions to you, just to be sure that we don't have a situation where the government side's perspective on the bill hasn't been fully represented, even though they declined the opportunity to invite supporters of their party to come and present.

**Mr. Gould:** Thank you, Mr. McFadyen.

Firstly, in regard to opposition to Hydro, I do believe it's an objective factual but I, at the same time, respect people of differing opinions to state that it's not, even if they're, I believe, blatantly wrong. I would never silence them at all.

As regards to people coming out, it's tough to say. I'd imagine that the people that came out on one side obviously feel very strongly about the bill. I'd imagine that, if the other side can't only bring two people, if they don't even have the support of their own membership, I don't know how they can claim they have the support of the entire province.

Now, to your last one, I would love government questions. I do think, as I mentioned before, that rigorous sober thought is beneficial to both sides and I don't care where good ideas come from, as long as they're for all Manitobans.

Thank you.

**Mr. Lamoureux:** Are you attending post-secondary school at all right now?

**Mr. Gould:** I attend, ironically, post-secondary education, studying politics at the University of Winnipeg.

**Mr. Lamoureux:** It seems that virtually everyone does support the idea of having set dates. The date that's being proposed in the bill is in June.

If it was October, from your perspective, getting young people involved in terms of the voting process, is it better to have it in an October or a June?

**Mr. Gould:** To be completely honest, I don't think—I know, for farmers, there's a certain issue. For the young people, the representative, I believe, Mr. Montague from Brandon spoke.

I don't see the issue of October as particularly better than June. I believe in some rural ridings people do go work away, but I think that's pretty small fraction. People go away for post-secondary education in September. To me, it would make no difference; I'm engaged regardless. I'd go and vote if it was February or January and it was minus 30.

**Mr. Lamoureux:** The last one, I guess, is just kind of a personal beef that I have with the government. Do you feel that it would be abusive on my part to believe that I should be able to put Deputy Leader of the Liberal Party on my business cards?

**Mr. Gould:** I don't think anyone should care what you should put on your business cards, except your constituents.

**Mr. Borotsik:** I'm so happy to know that you're not taking law. Thank you so very much. Not yet. Not yet. Oh, no, I get it—not yet. See, I was so happy to see that somebody so young and so effective in his speaking style that would actually get into politics as opposed to law, but that's okay. I know you'll learn.

I was going to ask you a couple of questions with respect to the funding, but I'm not going to. There's just one question and it's a serious question.

You've been here for three nights, well into the night today. You've listened to a lot of presentations. You've heard a lot of questions being asked of those presenters, most questions of substance. You've seen the reaction of the government.

\* (23:30)

I have a question and your opinion is very important to me. After all of the presentations that you've heard, after all the people, and some are very passionate in their positions put forward, do you think it's made an impression on the government side?

**Mr. Gould:** If it's not putting any pressure on the government side, I feel it would be a deafening to what the public is actually saying, and would be out of touch. Now, is the question, are the individual

members in the government probably being pressured by this? I would hope so. But the government as a whole, I would hope they're feeling pressure because I believe they should be feeling pressure. I think they are, yes, to answer your question.

**Mr. Bidhu Jha (Radisson):** Yes, I would like to say it's getting about 11:30, but I have heard comments from that side that we are not participating, and now we are talking about your recruitment. Now, if you spent time with me, for two days, I can explain to you the policies of the NDP and I'm pretty sure that I'll be able to convince you to join our party.

**An Honourable Member:** Somehow, I don't think so.

**An Honourable Member:** You've got to do it before the law passes, or you won't be able to.

**Mr. Chairperson:** Mr. Gould, you may wish to respond to that, sir.

**Mr. Gould:** Thank you, Mr. Chair. I appreciate the offer. I would love to go for lunch with you any day of the week. Whether or not I switch sides—I would hope that maybe the member would switch sides, too. But I respect that and I hope he accepts my compliment. I think that was very generous of him. I'll take it as an extreme compliment. Thank you.

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

The next presenter we have on our list is Stefan Paszlack. I hope I've pronounced your name correctly, sir? Please come forward. Welcome. Thank you very much for your patience.

Do you have a written presentation?

**Mr. Stefan Paszlack (Private Citizen):** I do not.

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

**Mr. Paszlack:** Good evening, Mr. Chairperson and committee members. I want to thank you for the opportunity to present at this committee.

My name is Stefan Paszlack. I am 19 years old and I attend the University of Manitoba. I'm currently studying management, however, I have a unique interest in history and so it is fitting that I start my presentation with a bit of history.

The Co-operative Commonwealth Federation, the CCF, a federal party led by J.S. Woodsworth,

was founded in 1932. The CCF stood to alleviate suffering during the Great Depression by standing up for the rights of the farmer and the worker. It would go along to be the precursor to the New Democratic Party, which was formally constituted on November 4, 1961, when the Co-operative Commonwealth Federation and the Canadian Labour Congress merged, and a man by the name of Tommy Douglas, who happens to be named the greatest Canadian, became its first federal leader. Along with being passionate about grass-roots democracy, both J.S. Woodsworth and Tommy Douglas happened to be Christian ministers who sought to spread the social gospel.

As the New Democratic Party got older, it rid itself of its strong agricultural heritage, instead opting to gain a support of urban union workers. More time passed and the NDP again rid itself of its spiritual history to opt for a broader, secular base of voters. Today, we bear witness to the NDP again unburdening itself of the responsibility to uphold a fair and just democracy with the detestable Bill 37. However, unlike the past, voters will not be quick to reward the NDP for their foundational maneuvering.

My personal qualms with Bill 37 start with the complete dismantling of the democratic process by the censorship of caucus communications to their constituents. This censorship is authorized by a Legislative Assembly Management Commission whose positions are controlled by the majority party in power. Bill 37 allows this commission to determine what is partisan communications and what is not partisan communications, which most certainly will interfere with an MLA's right to freedom of speech.

As I understand it, the logic behind this bill is the notion that if Manitoba taxpayers fund these communications then they need to be as unbiased as possible. However, ironically, by enacting this legislation and allowing the majority party to control this commission, it ensures that these communications will be biased favouring the majority party.

What's worse is that there's no public outcry by Manitoba taxpayers to outlaw potential partisan communications because it is widely known and accepted that differing opinions are the fuel to democracy's engine. It baffles not only myself but also many Manitobans—as shown by the sheer number of presenters—how a government who has

ruled as a majority for the last nine years can write up a bill such as this.

A second stab at democracy is evident upon further investigation of Bill 37, specifically with The Elections Finances Amendment Act which legislates public allowances to political parties, enthusiastically dubbed the vote tax. My grievance is that this tax will be retroactive allowing all political parties to receive the \$1.25 per vote per year for the last election in 2007. This is comparable to the NDP handing itself \$1 million over the next four years. This is nothing more than the ruling government diving into public funds and it is undemocratic at best.

Creating policy to reward yourself for winning the last election should be frowned upon, especially when there are many more important things the government could be deliberating. The least this government could do is to amend this bill by not allowing the vote tax to take effect until after the next election, thereby ensuring that the majority party cannot match its needs for the next election by legislation.

Thirdly are amendments made to The Elections Finances Act which seek to index inflation for political party allowances from tax dollars. This, in itself, is not a bad policy. However, after listening to Ms. Gagné, a former schoolteacher whose pension policy does not index inflation, this amendment becomes insulting. The clear message this sends to our former teachers, the educators of our society, is that the government cares more about the allowance money it receives from taxpayers than it does about the pension plans of thousands of retired schoolteachers.

Upon further investigation after hearing Ms. Gagné on Monday, I found that all Manitobans should be insulted as income tax thresholds have not been adjusted to inflation either. This forces Manitobans to pay millions of dollars a year in additional taxes. The only two reasons to explain why the current government has not introduced this policy is because it is either lazy or it does not mind fleecing Manitobans for more tax dollars.

These aspects of Bill 37 help to paint an overall gloomy view of the future of democracy in Manitoba. This is the exact type of legislation that will force the future—that is, young Manitobans such as myself elsewhere. It paints a picture of an NDP government that pushes a vote tax while chronically underfunding education, specifically universities.



This has not only proved itself in the numbers but also simply by walking through my U of M campus. I remember, just this past winter, walking through university tunnels witnessing flickering lights and crumbling infrastructure, never mind the chronic leaks from the roof. If you're lucky, every so often you can spot a beware asbestos sign, so many, in fact, that some students make a game of counting how many they pass on the way to their classes.

Besides the chronic underfunding apparent in the infrastructure, the university has taken to primarily employing sessional workers to cut the costs of employing full-time professors. This most certainly affects the quality of teaching students receive and affects the reputation of the university as a whole.

These are probably the most direct consequences of mismanagement by an NDP government that I have witnessed; however, not the last, as Manitoba is the only western province to continue to add to its debt with the cost to service that debt at a whopping \$860 million, which works out to an average of \$1,143 that each Manitoban is paying to service NDP debt. This is an unfortunate gift that will be given to Manitoba youth and one among the many that has contributed to many youth leaving Manitoba.

It is my belief that history will not be kind to this NDP government and the future not either as Manitobans become more observant about the possibility for better in Manitoba, and the status quo will do no longer. Thank you.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Paszlack.

Questions for the presenter?

\* (23:40)

**Mr. Lamoureux:** If the legislation was to pass—and I hope to get your opinion or your reaction to what I'm going to tell you. If this legislation was to pass unamended, I would not be able to include one of my current business cards because it has Deputy Leader written on it, of the Liberal Party.

I would not be able to include a petition that would sound something to the effect of, Whereas the community police office in North End Winnipeg is being closed and the NDP government is doing nothing to prevent it; Therefore Be It Resolved that the NDP government should reconsider establishing a community police office.

As a third piece, put in an editorial from the *Free Press* that comments on the value of these

community police offices; then put a little note on it: Please sign the petition and return it to me, if you support what it is I'm doing.

If I was to pack that all up into an envelope, it would be disallowed because of this legislation. If you were a constituent of mine, how would you respond to me not being able to do that?

**Mr. Paszlack:** My response would be outrage. Part of the reason I'm here today speaking is so that exactly does not happen. I believe in a free and just democracy, and I think it's kind of scary when the media has more freedom than the government and able to say things that the government can't.

**Mr. McFadyen:** Thanks for the great presentation. I couldn't find very much to find fault with in that presentation.

I'm usually reluctant to offer to spend other people's money, but I'm wondering if you would be prepared to take up the offer from the Member for Radisson (Mr. Jha) to have lunch with him and see if you could convince him to become a member of our party.

If you're prepared to do that, I'm sure he could give you his phone number; he'd just write on the back of the Member for Inkster's (Mr. Lamoureux) business card, and you could go and have lunch with him.

**Mr. Chairperson:** I'm not sure I detected a question in it. Mr. Paszlack, did you wish to respond?

**Mr. Paszlack:** I would love that. I would love to go out for lunch with you.

**Mr. Jha:** Discussing Bill 37 but, if the fun part is coming, I would love to have lunch with you, and I would like you to run in Fort Whyte as NDP.

**Mr. Chairperson:** We're kind of getting carried away here, folks.

**Mr. McFadyen:** After redistribution, we expect to have two ridings in Fort Whyte, and we'll invite you to seek a nomination in one of the two.

**Mr. Borotsik:** It's getting late and, obviously, we're getting a little punchy right now. I'm certainly very impressed with your presentation. I commend you for staying here as long as you have, listening through all of the other presentations and finally making your points made and made very succinctly.

I would like to talk about another issue that's not necessarily attributed to Bill 37, but you had brought

it up. It was about the education being provided to you at the University of Manitoba.

There are a couple of major issues, obviously, with post-secondary education. The University of Manitoba, unfortunately, is not seen as being one of the better, or best, schools in the country. I find that absolutely deplorable.

I'm a Manitoban; I believe very strongly in education. My children were educated at Brandon University and I think it behooves us, as legislators as well as Manitobans, to make sure that the education system is the finest that we could possibly get.

Two questions, one of them: Do you plan on taking post-graduate school? Do you plan on taking some post-graduate studies and, if so, where?

Secondly: Can you give me, in 30 words or less, what your beliefs are, what your views are on the tuition freeze?

**Mr. Paszlack:** Where to begin? In terms of pursuing post-graduate studies, I'm not sure. Law is always on my mind—I'm sorry, but there are a number of choices. I've only been in university for two years, so I haven't come to a conclusion on where I'll end up.

As for the tuition freeze, I will state that I am not a proponent of the tuition freeze. In fact, I applaud the NDP government for overturning the tuition freeze, I guess, in the coming year maybe—*[interjection]*

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

**Mr. Paszlack:** There's a loophole, but I guess the point I was trying to make in my speech was that, because of the tuition freeze, universities were cash-strapped and the money needed to come from somewhere. So I think the government should have been able to realize that universities were cash-strapped and that students were paying the price for their mismanagement. Because of that, they should have seen that universities were in need, and that they need to allocate more money to them because they definitely need the money.

However, I guess with the breaking of the tuition freeze, or the thaw of the tuition freeze as some call it, perhaps we can see students paying more tuition and allowing a university to get more funds and be able to finally get Manitoba a decent university that hopefully will rank well in those *Maclean's* rankings.

**Mr. Chairperson:** No further questions?

Thank you, Mr. Paszlack, for your—Mr. Borotsik, did you have another question?

**Mr. Borotsik:** No, no. I was just saying thank you. I know it's getting late.

**Mr. Chairperson:** Thank you very much, Mr. Paszlack, for your presentation and for your patience.

**Mr. Goertzen:** I believe, based on the conversations I've had with the Government House Leader (Mr. Chomiak), that you'll find leave if you canvass for leave, Mr. Chairperson, for presenter No. 34 on the list that I have, David Jacks, who I understand is registered as a private citizen, but represents the Canadian Federation of Student Unions to present at this point, but that the presenters that are listed above him would remain in their positions. So, following Mr. Jacks then, Howard Rybuck would be the next presenter, and then we'll just continue on in order then. I believe that there's, in my discussions with those in the room, that that wouldn't offend any presenters who might have been above Mr. Jacks. So, ask for leave to have Mr. Jacks make his presentation now and the other presenters to stay in the order that they're listed.

**Mr. Chairperson:** If I might make an inquiry, Mr. Goertzen, seeing that we're fixed in our time for this sitting for this evening, if we can conclude that order of business, then I'll pose the question to members of the committee, because we are limited by the rule that's been set down by the House to the midnight hour and it's 10 to 12 now.

**An Honourable Member:** We only have one presenter left.

**An Honourable Member:** He would be the last presenter.

**Mr. Chairperson:** All right. As long as there's an understanding. Is there leave of the committee to allow David Jacks, Canadian Federation of Students, to be the next presenter? *[Agreed]* Thank you.

Then the committee calls David Jacks.

**Ms. Brick:** I seek clarification. Is David Jacks presenting on behalf of the Canadian students federation or as a private citizen?

**Mr. Chairperson:** My understanding is the designation has been changed from private citizen to the Canadian Federation of Students. Welcome, Mr. Jacks. Perhaps you could help me with a clarification of that.

**Mr. David Jacks (Canadian Federation of Students):** Yes, that's right. It's with the Canadian Federation of Students.

**Mr. Chairperson:** Do you have a written presentation, sir?

**Mr. Jacks:** No, I don't.

**Mr. Chairperson:** Welcome. Thank you for your patience and please proceed when you're ready.

**Mr. Jacks:** As mentioned, my name's David Jacks. I'm the Manitoba chairperson for the Canadian Federation of Students. I'm also a student at the University of Winnipeg and formerly the president of the University of Winnipeg Students' Association.

So, first of all, thank you for allowing me time to present to this committee today. I, as well, was sitting in the back for the past number of days and certainly missed some good hockey games and things like that.

So, merci pour me recevoir aujourd'hui aussi. *[Also thank you for receiving me today.]*

The federation represents about 42,000 college and university students at the University of Winnipeg, Brandon University, University of Manitoba and Collège universitaire de Saint-Boniface. I'm an English major, so I won't lecture you on political philosophy or farm taxes or business cards.

Today, I'd like to voice support for The Elections Amendment Act and The Elections Finances Amendment Act. As I'm sure committee members are aware, youth voter turnout across Canada has been on a steady and rapid decline for the past 30 years. Unfortunately, there is very little data available specifically on youth voter turnout, especially in Manitoba.

In 2006, Elections Canada conducted a survey of voters including youth voters to look at ways to improve the electoral process. Many of the findings in the public opinion survey at the 39th general election back up what we're saying: 80 percent of Canadians polled believe low youth voter turnout is a problem; 18 percent of youth polled did not vote because they simply forgot—now, I vote; I don't simply forget—14 percent did not vote because they did not register or were registered with errors; 24 percent did not vote because of school obligations; and 14 percent did not vote because they did not know where or when.

\* (23:50)

The challenge of engaging youth voters faces elected representatives and provincial, federal and municipal election authorities across the country and even in the student unions. We believe that the elections amendment act presents an opportunity to increase youth voter turnout in Manitoba by building on the proposal of fixed election dates.

Manitoba is home to over 65,000 college and university students, many of whom are between the ages of 18 and 25. Most of these students are on campus each day from September to April. By working together, student unions in Manitoba and Elections Manitoba can use college and university campuses as a common gathering point for students to build awareness among students of elections and help encourage students to vote. However, for this important strategy of engagement to work, election campaigns and voting must take place during the academic year.

During the 2007 provincial election, Elections Ontario worked closely with the Canadian Federation of Students and student unions across the province to increase youth voter turnout by running awareness campaigns targeted at students on campus and also by placing polling stations on campuses. So students support fixed election dates in Manitoba.

We also support a change to the date of fixed elections so that they're held, as many people have mentioned, in October, to allow Elections Manitoba and student unions time to sign up students to vote and build awareness of the importance of voting amongst students. I also encourage the committee to add a provision to this amendment, requiring that advanced polls be placed on all college and university campuses. Also, that polls be placed on campuses on actual election day, where any student can vote in their home riding rather than just students who live on campus.

The Canadian Federation of Students believes that both these measures are important to eliminating the decline in youth voting in our province, so that's the first section on the fixed election dates.

Moving on to The Elections Finances Act, obviously a point of contention, I'll speak from experience as an elected student leader. Each year, student unions conduct their own elections. Student unions allow any member to run for elected executive positions. However, because many political candidates cannot afford the cost of

campaign materials associated with an election campaign, most student unions and, in fact, most student associations across Canada actually cover the expenses related to a students union election campaign. Student unions have found this to be an effective way of evening the playing field, as mentioned, for all students interested in running. I'm drawing a parallel here with student unions' campaigns. For that reason we are supporting the amendment act.

We believe that public financing of election expenses, along with the current limits on donations and spending, create a much more even playing field for candidates and political parties in our province. I disagree with the fact that fewer political parties is more democratic. I think that the more political parties that are able to run and able to receive finances makes our society far more democratic.

This also will help to strengthen the principles of democracy in our province. The proposed funding model, which is quite similar to the successful federal election funding model, will provide essential funds to small but growing political parties in the province, but only if they have the minimal level of public support.

I heard some members and speakers talk about this public funding for parties as a vote tax. Vote taxes have been used in many other countries to bar the poor and marginalized from voting by charging them a fee at the poll for the privilege of voting. In fact, just like our tax system, it's the wealthiest Manitobans paying for this proposal, much as wealthy Manitobans carry the largest portion of the tax burden to pay for other social services like colleges and universities. We do that for a reason. It's called everyone paying their fair share. The difference here, and why this legislation is so important, is that, finally, the wealthy can't buy political influence. Everyone, actually, will pay equally for it.

I'm a student and I can't afford a \$2,000 donation. Maybe President Lloyd Axworthy and his \$250,000 salary can, but that's not fair. If my political voice and Axworthy's will be the same, which will be less than bus fare, then I'll walk home from school one day if my political voice is going to be the same as Dr. Axworthy's.

We believe that this funding will allow marginalized voices to be heard in our province and create an environment where a broader range of Manitobans can participate in the political process.

I'll just move on to The Legislative Assembly Act and The Legislative Assembly Management Commission Act, and I'll be brief on this.

Student unions in Manitoba, and, in fact, across the country, have very strict rules with respect to partisan political advertising, especially around elections. The student unions restrict the dates of election campaigning and advertising and, in fact, require that all materials be approved by the returning officer responsible for the election. The idea here is, again, as mentioned, to create a level playing field for all of the candidates. It prevents slander and misinformation and helps ensure the fairest possible process for all candidates. I can speak also from experience that Manitobans do not appreciate smear campaigns anymore. It's just not tolerable.

Many student unions also require anyone posting information on campus to have their materials approved by the student union, again, prior to posting it. This is undertaken to ensure that offensive or inappropriate materials don't create a negative atmosphere for students on campus.

This is, also, something that I feel deters youth from voting—the negative attitude around elections by many MLAs, many political parties.

We believe that the proposed limits on content and timing, advertised by MLAs using their constituency allowances, are in the interest of Manitobans. Again, it creates an even footing for all political parties by preventing the use of government resources for partisan attacks.

I'd just like to thank the committee for allowing me time to speak today. It's really, really late. I'd also appreciate if comments lose their preambles and directly get to tonight's presentation.

**Mr. Chairperson:** Thank you very much for your presentation, Mr. Jacks.

Questions of the presenter?

**Mr. McFadyen:** Thank you very much, Mr. Jacks, for the presentation. You actually have to ask a question to have a preamble, so I think those comments are probably directed at our side, but I do take it the right way.

I just want to ask you—I think we respectfully disagree with many of the points you've made, or I certainly would. One of the points of particular interest was the support for public financing of the

parties as a way of providing support for smaller parties to have more ability to participate fully in the process.

However, what this bill does, if you look at the results of the last election, grants our party roughly \$200,000 every year and will grant the Green Party less than \$10,000 every year, which means that we get more than \$20 for every \$1 that they receive.

Is that in your view a fair distribution of public funds between the various parties?

**Mr. Jacks:** Thank you.

I think, also, to echo Mr. Green's comments the other day, that a political party that takes the effort to campaign and to earn those votes will obviously the earn the dollars needed to continue their campaigns.

As mentioned before, if we flip the two sides here, I believe that both sides would be in agreement in this case as well, that it's the ideas behind—as Mr. Green mentioned—the ideas that gain votes, not the dollars. What we've seen in the past is that, quite often, individuals who do have quite a bit more money are able to sponsor political parties more directly.

**Mr. McFadyen:** Just as a follow-up to that, there is a cap built into the legislation at \$250,000 annually to any party, so that no matter how many votes a party got, it would be capped at \$250,000 annually.

I guess where I was going with my question was, although we don't support the idea of public financing in this way, there's already public financing through tax credits and post-election rebates.

This is the third tranche of public financing going into political parties. Though we don't support it, I think a reasonable argument can be made that that cap should be lowered from \$250,000 to some other number, so you don't have the scenario of the governing party, in this case the NDP, getting more than 25 times as much as the Green Party and effectively being able to bury them in a campaign, or our party, for that matter, which many don't support—we respect the right to not support—getting more than 20 times as much money as the Green Party.

If the lower cap was put in place—let's say arbitrarily \$40,000 or \$50,000—that would knock down all of the bigger parties and provide a more level playing field for the smaller parties, because I suspect strongly, when you use the analogy of student council elections, that you don't give 25

times as much money to one candidate as another candidate running in that student union election. I don't know why you would want to support that in the case of provincial elections.

**Mr. Jacks:** I think that there obviously should be a cap on funding and I'll echo some of the words from some of the Labour members who came and presented yesterday, in that, personally, I think that public financing for elections should be a little bit more than the proposed \$1.25.

In reference to the student union elections, obviously, there just aren't as much funds available through student unions. We're membership-based, not public-based.

\* (00:00)

I think the \$250,000 cap is sufficient. I think that any more money going into public funding of political parties—I think that \$250,000 is sufficient, and that any political party such as the Greens, they do have the ability to reach that \$250,000, as you do and as members to the right do as well, as well do the Communists.

**Mr. Lamoureux:** The government has opportunity to—and its agencies—through the mail spend hundreds of thousands of dollars, virtually unlimited. If you factor in advertising, government advertising, it's well into the millions every year and that's all positive, warm, fuzzy feeling type of stuff where the constituents in which I and members of the opposition, all of us represent, knowing that, you still feel it's appropriate that opposition members should have caps.

**Mr. Jacks:** I feel that—wait, could you state the question again.

**Mr. Lamoureux:** On the one hand, government and its agencies have the privilege of spending a lot, right, through departments, through LAMC, through government Crown corporations, regional health authority, tons and tons of mail, thousands of dollars, not to mention millions in advertising. Why should opposition have a cap?

**Mr. Jacks:** Well, from my understanding that's not campaigns-related advertising. That's communications to the public on the works of what the government is doing.

Opposition and government have the opportunity to spend money on elections campaigns materials when elections are functioning but from my

understanding, those millions of dollars being spent by the government—I've not seen—I live in Diane McGifford's riding—I've not seen, other than her as constituency telling me what she's been doing in the constituency, I've not seen any government specifically funded advertising other than a pamphlet from Manitoba Hydro saying this is what we're doing to improve our services. So if you would consider that political advertising, I would disagree.

**Mr. Chairperson:** Ms. Brick, oh, sorry, Mr. Lamoureux.

**Mr. Lamoureux:** Yes, we could debate that for quite a while I would suggest. I make reference to the business cards because it's a question of censorship. If the governing party has already said no to me to be able to produce a business card, now they're bringing in this type of legislation; that's just the small picture, the business card. To what degree does government have in terms of an opportunity to know what I'm putting in my envelopes and sending to my constituents? Should it not be self-policing the way it is today?

**Mr. Jacks:** Well, I would have two comments in response to that and they're both questions. The first question would be, I've heard a lot about this business card and I'd like to see one. Second of all, I would pose the question to the members to my right in asking what exactly is wrong with this business card but I'd like to see it first before they'd answer.

**Mr. Lamoureux:** Mr. Chairperson, if you go downstairs with me afterwards I'll get you one of my business cards. The government on your right has already said no to the business card. I too would love to—you know, and that's why I say, it's the principle. If they say no to something like that, you know, what else are they going to say no to.

**Ms. Brick:** May I ask leave to ask one question?

**Some Honourable Members:** Leave.

**Ms. Brick:** Leave, thank you. The question I have is: What impact do you think this would have on individuals running for political parties? What I perceive is that there's often an ability for people who have money to raise more money. They know individuals who have funding who can assist them by giving large donations. Do you perceive that this would help people who may not have those kind of connections run for nominations for political parties?

**Mr. Jacks:** As mentioned in my presentation, I do believe that. I believe that, again, it levels the playing

field we'll see less members from the higher income bracket, which is a very small percentage of the population, being able to sponsor certain political parties. It'll be able to provide much more open ground for other individuals with other interests to run themselves to form their own political parties or to choose existing political parties who may already be feeling marginalized due to their constituencies' income brackets.

**Mr. Chairperson:** Thank you very much, Mr. Jacks, for your presentation and also for your patience in sticking with us tonight. Thank you.

I want to remind everyone in attendance in the audience again that, as was announced yesterday in the House, this committee will meet again in this room tomorrow night from 6 p.m. until midnight. I know everyone is looking forward to that.

Just before we would rise, I would ask committee members to please leave behind any unused bills or copies of the bills so that we may reuse them tomorrow.

Thank you to committee members for your cooperation here this evening.

The hour being past midnight, committee rise.

**COMMITTEE ROSE AT:** 12:05 a.m.

#### **WRITTEN SUBMISSIONS PRESENTED BUT NOT READ**

Re: Bill 37

After reading the comments in the Winnipeg Free Press on Saturday May 24, about Bill 37, under the title "NDP SHOWS DISDAIN FOR DEMOCRACY", I am very disappointed, frustrated and shocked that my Manitoba provincial government thinks so little of the people of Manitoba that they would even try to introduce and pass such a bill.

I totally agree with the comments by Elizabeth Fleming about the lack of openness and only partly true statements.

I was totally amazed when reading Bill 37 that the government is asking the Manitoba taxpayer to foot the bill for the number of votes the NDP party received in the **last** election, and to make this legislation retroactive to the last Provincial election. Are retroactive political payments appropriate?

Even more astounding is that this NDP government is asking that the payments for the votes be increased annually according to the "full annual CPI adjustments" for Winnipeg while at the very same month the Minister of Education, Peter Bjornson, is attempting to sale to the retired teachers of Manitoba a 0 to 2/3% (if funds are available) cost of living allowance labelled COLA. And unlike the annual CPI increase for these political votes, the Minister has demanded that there be no further discussions for ten years on teachers' pensions. In my opinion, as a retired teacher, I feel that I am being "scrooged" by my own employer. Obviously "what is sauce for the goose is not sauce for the gander."

And to add further injury to injury the government is paying about \$100 000 for a plebiscite on the Sale Report which I seriously question if 98% of the voters have ever read and which was pushed on the retired teachers without their compliance and reportedly at the urging of MTS President Pat Isaak.

When the government of the day and the MTS join forces against their retirees at the urging of the MTS President, Pat Isaak, and then on the same day that Bill 37 is before committee and the teachers' plebiscite voting day is finalized, **but the government is asking for CPI for its own political purposes** but not for its retired teacher employees, then this injustice and inequity reminds me of Professor Waudlers statement "it is time we lift up the tail of the bull and look him face to face."

Respectively submitted,

Leslie Porteous

\* \* \*

Re: Bills 37 and 38

Attention: Clerk of Committees

We strongly oppose - Bill 37 and Bill 38.

Sincerely

Joe & Joan Chamberlain

\* \* \*

Re: Bill 37

I don't agree with this Bill and I think the government is trying to be heavy handed, as they have been previously. And I do think that the reason they are doing this is because they know that there are many people who are going to object to this. And I am definitely one of those people. And I definitely hope it doesn't go through.

Dianne Cameron

\* \* \*

Re: Bill 37

I wish to register my objection to Bill 37. This bill is a blatant attempt to subvert democracy. It makes the Sokolyk attempt at a vote rigging in one Aboriginal riding look like amateur hour. It is a cold-hearted deliberate method of keeping the NDP in power.

Funding political parties based on votes attained in prior election is not satisfactory. As a matter of fact, I strongly object to my taxes going to fund any party whose policies with which I disagree.

Committee review of MLA communications is totally unacceptable. As the committee will be dominated by NDP members, this will result in NDP control of what the opposition can communicate to its constituents.

Restricting the amount of money that can be spent by political parties is hypocritical. The NDP government has no restrictions other than the budget and it does not seem to have limits.

I recommend this government withdraw Bill 37 as there will be an unnecessary cost to the taxpayers of Manitoba. If Bill 37 is passed, this will be surely objected to in the Supreme Court. Do the right things.

Brian Higgins

The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.gov.mb.ca/legislature/hansard/index.html>**