

Second Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

*Published under the
authority of
The Honourable George Hickes
Speaker*

Vol. LX No. 67B – 1:30 p.m., Thursday, September 11, 2008

ISSN 0542-5492

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

Member	Constituency	Political Affiliation
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
BOROTSIK, Rick	Brandon West	P.C.
BRAUN, Erna	Rossmere	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
HOWARD, Jennifer	Fort Rouge	N.D.P.
IRVIN-ROSS, Kerri, Hon.	Fort Garry	N.D.P.
JENNISSON, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MARCELINO, Flor	Wellington	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McFADYEN, Hugh	Fort Whyte	P.C.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PEDERSEN, Blaine	Carman	P.C.
REID, Daryl	Transcona	N.D.P.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SARAN, Mohinder	The Maples	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELBY, Erin	Southdale	N.D.P.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew, Hon.	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.
<i>Vacant</i>	Elmwood	

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, September 11, 2008

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PETITIONS

Long-Term Care Facility—Morden

Mr. Peter Dyck (Pembina): Mr. Speaker, I wish to present the following petition to the Legislative Assembly.

The background for this petition is as follows:

Tabor Home Incorporated is a time-expired personal care home in Morden with safety, environmental and space deficiencies.

The seniors of Manitoba are valuable members of the community with increasing health-care needs requiring long-term care.

The community of Morden and the surrounding area are experiencing substantial population growth.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Ms. Oswald) to strongly consider giving priority for funding to develop and staff a new 100-bed long-term care facility so that clients are not exposed to unsafe conditions and so that Boundary Trails Health Centre beds remain available for acute-care patients instead of waiting placement clients.

This is signed by M.J. Hildebrand, Sharon Fehr, Ruth Dyck and many, many others.

Mr. Speaker: In accordance with our rule 132(6), when petitions are read they are deemed to be received by the House.

Provincial Nominee Program—Applications

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

Immigration is critically important to the future of our province, and the 1998 federal Provincial Nominee Program is the best immigration program that Manitoba has ever had.

Lengthy processing times for PNP applications causes additional stress and anxiety for would-be immigrants and their families here in Manitoba.

The government needs to recognize the unfairness in its current policy on who qualifies to be an applicant.

We petition the Legislative Assembly of Manitoba as follows:

To urge the provincial government to consider establishing a 90-day guarantee for processing an application for a minimum of 80 percent of applicants that have family living in Manitoba.

To urge the provincial government to consider removing the use of the restrictive job list when dealing with the family sponsor stream.

This is signed by T. Valerio, D. Valerio, J. Advincula and many other fine Manitobans.

Physician Recruitment—Southwestern Manitoba

Mr. Larry Maguire (Arthur-Virden): I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition:

The Town of Virden has the last hospital in Manitoba on the busy Trans-Canada Highway travelling west.

For the safety of recreational travellers, long-haul truck drivers, oil and agricultural industry workers and its citizens, Virden, a town of nearly 4,000, requires emergency services at its hospital.

On June 30, 2008, the emergency room at the Virden Hospital was closed due to this government's failure to recruit and retain doctors for southwest Manitoba and its failure to plan for the departure of doctors whose contracts were expiring.

We petition the Legislative Assembly of Manitoba as follows:

To request the Minister of Health (Ms. Oswald), to consider creating a health-care environment in which doctors want to work and build their careers in Manitoba.

To request the Minister of Health to consider making it a priority to recruit doctors to southwestern

Manitoba so emergency rooms do not have to be closed when they are needed most.

This petition is signed by Darcy Coughlan, Adam Van Niessen, Dorothy Hunter, Michelle Vincent and many, many others.

MINISTERIAL STATEMENTS

Anniversary of 9/11 Terrorist Attacks

Hon. Gary Doer (Premier): I have a statement for the House.

Mr. Speaker, I rise today to commemorate the horrific terrorist attacks of September 11, 2001, and to pay tribute to the police officers, the firefighters, the paramedics who were climbing up the stairs of the Twin Towers in order to help others climb down from them.

The events of that day left a haunting and lasting impression in the minds of people around the world. It's important that we never forget 9/11. We must never forget that, on that day seven years ago, almost 3,000 innocent people were killed by a terrible act of violence, and one of those innocents was Manitoban Christine Egan.

We must also never forget the bravery of our emergency responders and the sacrifices they make so that all of us will have them when we need them and live in safety.

Mr. Speaker, I would ask that, following the commemorations and tributes from other members, this House observe a moment of silence in honour of the sacrifices of those who lost their lives on September 11 and to offer silent thoughts and prayers to the families who grieve for them today.

Mr. Hugh McFadyen (Leader of the Official Opposition): I thank the Premier for that statement.

We all know that today marks the seventh anniversary of the September 11 attacks that claimed the lives of over 3,000 people. These are events that will be seared forever on our hearts and in our memories, and we'll never forget the innocent people who were lost in this terrible tragedy, including 24 Canadians and one Manitoban, Christine Egan.

To commemorate this day, the International Peace Garden held a memorial service at the 9/11 memorial at the Peace Garden, a permanent site constructed from 10 twisted pieces of steel which once stood as girders in the World Trade Center.

The keynote speaker was Dr. Earl Beal from the Department of Counselling, Psychology and Community Service of the University of North Dakota. Mr. Beal was involved in assisting the families who were affected by the attacks on the Pentagon on 9/11.

The International Peace Garden also hosted their first Freedom Walk today in remembrance of 9/11 to reflect on the lives lost on that day, to renew the commitment to freedom and honour our veterans past and present. The words, "May Peace Prevail" are written in 28 different languages on seven peace poles to remind us of the common objective shared by millions of people around the world.

Mr. Speaker, let us take this day to celebrate the resilience of the human spirit and recognize the courage and strength of those who survived this attack. Let us also remember and acknowledge the heroic efforts of the police officers, firefighters, paramedics and regular citizens who were involved in helping those in need. Let us also give thanks and acknowledgement to our Canadian troops acting so courageously for peace, freedom and security in other parts of the world.

So we second the request by the Premier (Mr. Doer) for a moment of silence, and we hope that, through our remembrance today, we can look forward to greater peace among nations and all people in the future. Thank you.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I ask for leave to speak to the Premier's statement.

Mr. Speaker: Does the honourable member have leave? *[Agreed]*

Mr. Gerrard: Mr. Speaker, I join the other leaders in remembering the events that happened on September 11, 2001. It was indeed a tragic and traumatizing day when the United States was attacked at the World Trade Center and the Pentagon and some 3,000 lives were lost.

We must remember the heroic efforts of those who were emergency responders and pay tribute to those who are emergency responders, not only there but elsewhere, in the important role that they play in our day-to-day lives.

At the same time as we move forward to find solutions, to find avenues for peace, we have to remember that it is justice and fairness, tolerance and inclusiveness, which are really important in laying the groundwork for a peaceful world and that

addressing issues like poverty and discrimination are fundamental if we're going to achieve peace in our world and end such attacks.

Mr. Speaker: Is there agreement for a moment of silence? *[Agreed]*

Please rise for a moment of silence.

A moment of silence was observed.

* (13:40)

Introduction of Guests

Mr. Speaker: Prior to oral questions, I'd like to draw the attention of honourable members to the Speaker's Gallery where we have with us today Mr. Japinder Singh who is the general secretary of the Golden Temple in Amritsar, India, and also Mr. Amarjeet Warraich from the Manitoba Indian community.

On behalf of all honourable members, I welcome you here today.

ORAL QUESTIONS

Plea-Bargaining Process Attorney General's Intervention

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, all Manitobans are well aware that the tragic death of Crystal Taman was the result of the criminal actions of Derek Harvey-Zenk.

Mr. Speaker, in the aftermath of that tragedy, there was an expectation on the part of all Manitobans that justice would be done, that the justice system would perform its duties to the highest standard possible and that Mr. Harvey-Zenk would be held accountable for his criminal actions.

Mr. Speaker, we know through the conduct of the inquiry, which the government reluctantly and under pressure agreed to establish, that evidence has come to light about multiple contacts between the so-called independent prosecutor and the Department of the Attorney General. We're also aware that an alert was provided to the Attorney General's office with respect to the pending plea bargain that has created so much outrage for the Taman family and for all Manitobans.

We know as a result of exhibits tabled at the inquiry that the Attorney General's responsibility is, and I quote, to bring, manage and terminate prosecutions; however, that he must do so in a way that's fully independent from partisan political concerns, which were not present in the Taman case.

I want to ask the Premier: Is he satisfied that the Attorney General did his job appropriately when he was advised of the pending plea bargain?

Hon. Gary Doer (Premier): Mr. Speaker, we were not reluctant—and I take great exception to the statement made by the Leader of the Opposition. We were not reluctant to call a judicial inquiry dealing with the circumstances that flowed from the tragic death of Crystal Taman.

We felt it was our duty, our responsibility. We quickly moved to have the judicial inquiry. The Minister of Justice (Mr. Chomiak) basically decided and determined that the public should have a right to know what happened in the investigation, evidence-gathering, prosecution of this case. We called this inquiry because of a responsibility to the public of Manitoba and to the citizens and the victim's family, that people should know clearly what happened, why it happened and who's responsible.

So I want to make that point perfectly clear. It was no reluctance on the part of the government. We did it because we believed we had to have a full judicial inquiry. We did so with the broadest terms of reference and we await the accountability that we expect will be in the justice's report, which I understand is going to be ready shortly. Failing that, Mr. Speaker, I know members opposite will ask questions with the evidence that's before the inquiry, but the evidence is placed before an independent justice to determine responsibility, accountability and to ensure that circumstances that are already before the inquiry, if there is any weakness or fault or accountability, that all of us will be responsible for making changes that clearly reflect the recommendations in the justice's report.

So I just want to say again, we did this quickly. We took this action to have the inquiry quickly. It wasn't reluctantly, and I take great exception to the terminology used by the Leader of the Opposition.

Mr. McFadyen: I'm sorry that the Premier is taking exception to the terminology used by the Leader of the Opposition. If he goes back and reads the transcript of proceedings in this House and reads the newspaper clippings in the days leading up to the call of the inquiry, he will see that he said on the record that there was no need for a public inquiry because the Attorney General had ordered a review into the conduct of the East St. Paul police force and therefore there was no need for a public inquiry.

Following the comments made by Judge Wyant which appeared in the media, the Taman family appeared on CJOB radio and a question was put to the Premier in this House by the same Leader of the Opposition that he's now debating with as to whether they would call an inquiry and in response to that question announced that they would, in fact, have an inquiry. But until Justice Wyant's comments appeared and until the Taman family was in the media and until the question was put to the Premier in this House, his position was there's no need for an inquiry because we'll do a review of the East St. Paul police force. So he is just wrong in terms of the position with respect to the inquiry.

Now, turning to the real issue and the question which he hasn't responded to, I want to ask the Premier, given that his Attorney General was made aware through an alert of the pending plea bargain which contravened his own department's policy to not agree to house arrest in situations involving death or grievous bodily harm, given that that was the case and given that the Attorney General's own policy, which he approved earlier this year, provides him with the right to veto recommendations from the so-called independent counsel, will the Premier now respond to the question which I asked the first time: Is he satisfied that his Attorney General acted appropriately in not vetoing this plea bargain?

Mr. Doer: Mr. Speaker, we have called three inquiries now dealing with matters of public confidence in the justice system, regrettably. Regrettably, we have had to call three. One was the Sophonow case. One was the Driskell case and this one, the Taman case and the charges against Mr. Zenk. We always said that we would wait for the disposition of the court, which we did, and call the inquiry shortly and very quickly thereafter. So there was no reluctance on our part to be fully accountable, because there were questions being raised that haven't been answered, and there were questions raised considerably throughout the inquiry as all of us in Manitoba observed the various evidence that was presented to the commission.

The commission has a counsel. A counsel commission is required by law to go down any area of evidence that's presented before the inquiry starts and during the inquiry. If there is evidence presented in an inquiry that requires further witnesses to be called to ensure that full accountability in the justice system is fully examined at all levels, the commission counsel has the legal responsibility—I would suggest has a lot more experience than

members would suggest—to go down and call other witnesses. For example, the existing chief of police was in a position of supervision at the time of the death of Crystal Taman with the horrific accident, and the chief was called as a witness based on evidence that was presented before the independent commission.

Counsel has the responsibility to call witnesses and to hold to account those witnesses under cross-examination, and the judge who has been brought in to hear the evidence, who is independent of everybody in this Chamber, has a responsibility to write the report, and I certainly await the report and the recommendations of accountability that will flow from it.

I think that members of this House have had a tradition of allowing independent counsel and independent commissions of inquiry to proceed with evidence and cross-examination, and then when the report is released, accountability will appropriately be assigned and appropriately be debated, if it has to be, in this Chamber.

*(13:50)

Mr. McFadyen: He has yet to respond to the question. He's not disputing the evidence of the multiple contacts between the independent counsel and his department. He's not disputing the fact that the Attorney General was briefed. He's not disputing the fact that a weak plea bargain was entered into. But he is spending a lot of his time talking about matters of process.

The fact is that the mandate of the inquiry was not to examine the conduct of the Attorney General. Those issues of accountability and those questions and answers are properly put and responded to in this Chamber. It is outside the scope. The Attorney General (Mr. Chomiak) did not—[interjection] The Attorney General is saying from his seat—it would be great if he would get up and say it on the record—that I'm wrong again. The Attorney General didn't testify at the inquiry. He didn't go under oath and provide evidence as to his role in it. So the only way that we can know what role he played is for him to get up and respond to questions in this House.

If he's going to use the inquiry as a shield to deflect attention away from his conduct, then that will be consistent with what every other minister in this government does. Every time there's trouble, the Minister of Finance (Mr. Selinger) on Crocus and every other minister who has been involved in these

situations finds a process reason to not accept personal responsibility and accountability for their actions.

Let me just ask the very same question a third time in a row hoping for a direct response: Is he satisfied that the Attorney General exercised the proper judgment in permitting this plea bargain to proceed?

Mr. Doer: Well, Mr. Speaker, the member is asking a question about the authority of the Attorney General dealing with the plea bargain. This is a matter before the judicial inquiry. This is a matter that will be evaluated by the judge. The commission counsel has the right to call you. He has the right to call me. He has the right to call the Minister of Justice (Mr. Chomiak). He has the right to call the critic. He has the right to call the Leader of the Opposition (Mr. McFadyen) who praised Mr. Minuk in his capacity as a lawyer. I know Marty Minuk and others who were involved. I'm confident they put forward the best case that they had with the evidence they were presented with. The evidence was incomplete. You know, I don't have any problem with the member saying that.

Mr. Speaker, there may be evidence presented in this case that deals with all the comments any of us have made. The counsel has the right to call the Minister of Justice. The terms of reference are absolutely broad. Any aspect of this case should be further studied, reviewed or investigated, if so, by whom, is one of the terms of reference and any other matters related to the case deemed relevant by the commissioner, not by the Minister of Justice, not by the Leader of the Opposition, not by the critic, by the commissioner.

We will stand by the evidence presented under cross-examination and the independence of the commissioner and we will be accountable for his report, Mr. Speaker.

Plea-Bargaining Process Attorney General's Intervention

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, the Premier misses a key difference and that is the Minister of Justice knew what was going on in the department. Nobody else on this side did before the inquiry revealed it. The Attorney General of Manitoba has the power. In fact, he has the duty to bring, manage and terminate prosecutions when necessary. That was confirmed in the Taman inquiry itself. The minister's own independent prosecutor's

policy, the one that he was involved with drafting and said that it's good, gives him the right to refuse the recommendation of the independent prosecutor. In fact, across the country, other policies give other ministers of Justice the right to refuse the recommendation of an independent prosecutor, and there's a reason for that.

Here his own policy was broken in his own department. If there was ever a time for him to stand up and say, no, this is not right, it was now. Why didn't he say no?

Hon. Dave Chomiak (Minister of Justice and Attorney General): Mr. Speaker, people have died in wars and in revolutions to preserve the integrity between the legislative branch and the judicial branch for the very principle, as it was, for example, where my father came from, where the government would tell the courts what the laws were.

The Leader of the Opposition, himself, stood up in this Chamber when the matter was adjourned and said, I know Marty Minuk; he's a great lawyer and I knew it was shoddy police work in East St. Paul.

I didn't make that. I didn't make that statement. I could not make that statement, Mr. Speaker, because there was an independent process going on and it was before a judge who was ruling on the case. Now members are going back and trying to make a political case out of this. It reminds me of some of the most sleazy tactics I've ever seen in this Chamber.

Mr. Goertzen: Mr. Speaker, the Minister of Justice was being briefed that a recommendation for a house-arrest sentence in the death of Crystal Taman was going to be put forward. In his own policy, he gives himself the right to veto, to override a recommendation by an independent prosecutor. The time to have stood up and said, this is not right was then. The Taman family—and Mr. Taman is with us here today—wanted somebody at that time to say, no, this is not right. House arrest for a death is wrong.

His own policy said it. He had the right to say no. Why didn't he stand up and do the right thing when the time was right, Mr. Speaker?

Mr. Chomiak: Mr. Speaker, it is inappropriate, when a matter goes to sentencing, for the Attorney General of a province to intervene in the sentencing disposition. In fact, Attorneys General who have done so and have interfered have been forced by

parliamentary procedure to resign as crossing the bounds of their office.

I don't think it would be appropriate for any Manitoban to have any Attorney General interfere in the disposition of a case. In fact, that would get us back to the days of fascism, communism and something that is very fundamental to the rule of law, to the rule of law, Mr. Speaker.

I really regret that members are making a political issue out of an independent commission that has not yet reported and had the broadest mandate to report of any commission in our time, Mr. Speaker.

Mr. Goertzen: Mr. Speaker, this is absurd. The Minister of Justice is saying his own policy, his own policy that gives him the right to veto a recommendation, is illegal. It's not illegal. There's a reason why the policy is there, because he has the right to not take a recommendation from an independent prosecutor. That's why he put it there. That's why across the land, in other provinces, the policy is there. If there was ever a case where it needed to be enacted, it needed to be enacted now. The department has a policy that they're not going to accept or they shouldn't be accepting house-arrest recommendations where there is a death involved.

We needed an Attorney General who would stand up, apply his own policy for the Taman family, for the family of Crystal Taman, and say, it is not right to give house arrest for a death in this province. He failed to do so. Why didn't he stand up, apply his own policy, and say no?

Mr. Chomiak: The sentencing provisions with respect to the Criminal Code are found in the Criminal Code or are made by federal law and by interpretation of courts. With regard to conditional sentences, the law changed last year as a result of efforts of the former minister and myself to have conditional sentences changed, Mr. Speaker. For the member to have the audacity to suggest that an Attorney General should interfere in criminal proceedings is, in fact, not only inappropriate but I think might be criminal.

The commissioner, who has experience, knows the law far better than the Member for Steinbach and, in fact, has very broad powers to inquire into any matter. We haven't even been provided with the recommendations, and already the members opposite are hanging people, Mr. Speaker, typical of the Conservative-type right-wing party.

Plea-Bargaining Process Attorney General's Intervention

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, the Attorney General has tried to suggest that an Attorney General who does his job in supervising the department that undertakes prosecutions is interfering and that this is akin to fascism and communism. The Department of Justice Act, which is a provincial piece of legislation, says under the minister's duties: The minister shall superintend all matters connected with the administration of justice in the province.

The document tabled by commission counsel, whom the Premier, I know, has a lot of confidence in, as do all of us—commission counsel tabled a document as evidence at the inquiry, and it says, and I quote: The Attorney General must superintend the prosecution service, directing the course of criminal prosecutions conducted by the state and supervising private prosecutions. It goes on to say that in conducting and overseeing prosecutions, the Attorney General must act independently of partisan concerns.

* (14:00)

There's not any issue of partisan concerns. If the Attorney General was intervening to protect a partisan friend of the government, that would be a partisan consideration, but that is not the type of situation contemplated. In fact, the thing that soldiers in this country fought for was legislative accountability, not dodging responsibility and accountability.

When people go and elect officials and elect a government, they expect accountability, they expect transparency, and they expect the Attorney General to do his job. Will the Premier today acknowledge that the Attorney General failed Manitobans in allowing this plea bargain to go forward?

Hon. Gary Doer (Premier): Mr. Speaker, the commission justice, who knows the law and knows the law, I would suggest, more than any other lawyer in this House—with the greatest respect to lawyers on both sides—the commission justice knows the law, knows the procedures, knows the separation between the executive branch and the legal branch, knows the separation of issues between the prosecutors and the Minister of Justice.

That individual counsel is going to make recommendations. That individual may, in fact, concur with the Leader of the Opposition or not

concur with the Leader of the Opposition in terms of the chain of responsibility and the division between the executive branch of government and the administrative branch of Justice. They may agree with the allegations of the member opposite, or they may disagree with the member opposite.

All I know is commission counsel, with the evidence before them, independent of government, independent of the opposition, independent of any part or stakeholder in the justice system, is allowed to call witnesses and present evidence. The commission judge has all that evidence before them. That individual can come to the conclusion the member opposite's come to or can come to a different conclusion.

I will wait, and the public should wait, for the report that's being produced by a person with a lot more experience, with a great deal of respect to the member opposite, on justice matters and the law. The individual that was asked to come in, as I understand it, has credibility across the line, Mr. Speaker, understands the law, and will write a report. I believe it's incumbent, for accountability in this House, that facts are not invented, allegations are not invented, but the evidence that's there and factual be examined by an independent person with a great deal of legal knowledge, a great deal of legal experience, and be produced to restore the credibility of the justice system in Manitoba where, clearly, in our view, it failed. That's why we called the inquiry to begin with.

Mr. McFadyen: Mr. Speaker, as usual, the Premier has completely missed the point. We are not questioning the legality of the Attorney General's decision to allow the plea bargain to go forward. It is not a legal issue. It is an issue of competence to hold the office, which is not something that is a legal question.

The commissioner, whom we all respect greatly, is an expert on law and an expert on interpreting evidence. He will not comment on the issue of whether or not the Attorney General acted legally or illegally because it is not a legal question. It is a question of judgment. He had the legal right to do nothing, which is exactly what he did.

The question is: Does the Premier think that that's what a competent Attorney General does when presented with these facts—not whether he thinks it's legal or not, does he think it was the right thing to do?

Mr. Doer: Mr. Speaker, there are going to be judgments made at all levels of this investigation. There'll be judgments made about the investigation with the one police force, with the second police force. There'll be judgments made about the external police service investigation. There'll be judgments made by who or who was not interviewed by the independent Crown counsel. There'll be judgments made about the evidence presented in the court. There'll be judgments made about the references that members opposite have made on consulting with members of the Justice Department, and there'll be judgments made by the commissioner on the issue of the alert that's been raised by members opposite.

Mr. Speaker, we were not going to substitute the judgment of an independent commissioner and an independent judge, we're not going to substitute that judgment and that final report based on all the cross-examinations and all the evidence presented. I am not going to have a situation where the Leader of the Opposition's legal judgment is substituted for the commission of inquiry's justice's opinion.

We will wait for the report. We will wait for the full examination. The commissioner, the justice, has the right to comment on judgment. He has the right to comment on law. He has the right to comment on all aspects based on the terms of reference, and we will wait for that report. I won't take the advice of the member opposite. I will take and the public of Manitoba should take the advice of a person who is much more schooled in these matters, is much more independent on this matter and is going to give the people of Manitoba a report, hopefully within the next number of weeks, Mr. Speaker.

Mr. McFadyen: Well, I find it interesting that five times in a row the Premier has defended the Attorney General's decision to do nothing. I think that we have the answer to the question. Clearly, he supports the Attorney General's judgment on this point. Clearly, he thinks the plea bargain was acceptable, and so I just thank the Premier for confirming that.

We'll look forward to the justice's comments on the legal issues. What we're talking about here is a question of accountability to the Legislature, the discharge of the Attorney General's responsibilities under the act, and to Manitobans, Mr. Speaker. We don't have any expectation that the judge will go on making comments on matters of oversight of the department or political accountability.

The Premier's right on this point, that this is for the House to debate. It is up to the people of Manitoba to pass judgment. The Premier thinks the Attorney General made the right call. We think he made the wrong call, and I guess maybe the Premier, if he would be straightforward enough, could just put that on the record instead of skating around and evading.

Mr. Doer: Mr. Speaker, I believe the member opposite has made statements about the independent counsellors. I'm not going to condemn him for making a statement before the report is concluded. I believe the Minister of Justice (Mr. Chomiak) acted properly in having a full independent inquiry. I believe that the Minister of Justice acted properly by having those terms of reference in the inquiry include anyone or any matter, including the Attorney General, that the commission of inquiry and the justice of the inquiry feels is appropriate for the credibility of the justice system.

There are no narrow terms of reference in the inquiry's terms of reference established by the Attorney General, and we will wait for the justice's report. I believe all members of this House should wait for the justice's report. If there's a matter dealing with the issue and judgment of the Attorney General, it's fully available for the commission counsel to call the Attorney General as a witness. It's fully available for the commission counsel to call the Leader of the Opposition as a witness, call the Premier as a witness. I'm sure we're going to see at the commission of inquiry of Mr. Brian Mulroney—I'm sure a Prime Minister will be called as a witness. There is no limitation of a prime minister being called in an inquiry, a premier being called in an inquiry, a minister of justice being called in an inquiry. The terms of reference are broad and we fully expect that this is very important for purposes of this inquiry.

We will wait for the cross-examination of the evidence to be reported on by a person with more justice experience, knowledge and credibility than the Leader of the Opposition. I think that that's very important, Mr. Speaker, and it's very unusual to have a Leader of the Opposition pre-empting an independent judicial inquiry and pre-empting the findings of the inquiry and trying to have somebody guilty until the full report is produced to the public of Manitoba.

* (14:10)

Child and Family Services Devolution Issues

Mrs. Bonnie Mitchelson (River East): It's clear now that when the child welfare system was devolved back in 2004, the new agencies weren't ready. Front-line workers were in short supply, and many of those that were hired weren't qualified. There were no standards, no policies, no training and no checks and balances. Most of all, there was no oversight from this government, and the problems that existed in 2004 continue to exist today. The results, Mr. Speaker, under the NDP government's watch have cost children their lives.

Will the Minister of Family Services today accept responsibility for the system that he and his government created and for the chaos that has resulted?

Hon. Gord Mackintosh (Minister of Family Services and Housing): Well, two preliminary points, Mr. Speaker, child deaths, unfortunately and most tragically, occur probably in all jurisdictions. That is something that is unacceptable. We all have to work together so that there are zero child deaths as a result of caregiver homicides. The member opposite knows full well of the impact of caregiver homicides of children. She knows that herself from her tenure in office. We have to continue to make a stronger system.

I also say that it is passing strange that the member would get up and say that there was no training and no standards in place in 2005. First of all, she's reflecting then on her time in office. Is she saying that there was no training and standards in place when she was in office? Of course there were, Mr. Speaker. There were in 2004 and '05.

Mrs. Mitchelson: The reviews and the reviews and the reviews that have been done by this government as a result of their devolution process speak volumes and say very clearly that the agencies were not prepared to deal with the additional cases that they were given.

We're just asking the minister to stand up and take responsibility. These are children under his watch that have fallen through the huge crevices that are in the child welfare system today. Instead of taking responsibility and saying as the architect of this new system that there are problems, he hides behind the authorities and he hides behind the agencies and forgets to tell Manitobans that he was the creator of this system.

Why has he failed vulnerable children so badly under his watch, Mr. Speaker?

Mr. Mackintosh: In 1996, when the member was the minister—because credibility is an important issue in this House since credibility always underpins questions in this House—she was presented with a document from the front-line workers entitled: child welfare in crisis. What was the response? Caseloads of 44 to 80 cases per worker, cuts year after year, freezes year after year to support foster children, of all the vulnerable Manitobans. That was the answer from the member opposite.

This side has ushered in changes for children. When it comes to reviews, indeed there will be review after review until we have routed out all the shortcomings, in no small way, Mr. Speaker, a responsibility also that must be shared by the member opposite.

Mr. Speaker: The honourable Member for River East.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable member has the floor.

Mrs. Mitchelson: Thank you, Mr. Speaker. I am not going to take responsibility for the devolution process that has left such big crevices in the child welfare system that children are dying as a result. All of the reviews and all of the bluster from the Minister of Education today is too late for Phoenix Sinclair. It's too late for Tracia Owen. It's too late for Gage Guimond. It's too late for many others that are within this system today that this minister created. This government was the architect of devolution which has left such big crevices in the child welfare system that children are dying.

How many more children are going to die as a result of this experiment that's gone so terribly wrong?

Mr. Mackintosh: Well, Mr. Speaker, I've heard some shameful things in this House. First of all, to say that devolution has caused an increase in caregiver homicides is lamentable. I won't talk statistics because I tell you this: A statistic is way out of scale with the harm, the tragedy of that kind of loss. But what we do, unlike the member opposite when she was asked about the shortcomings in the child welfare system saying, well, that's an arm's-length agency's issues, we have taken the responsibility to work with our partners, to work

with the authorities and the agencies for changes for children.

We're going to work and work and work until we have reduced the risk levels to the most we can possibly do as human beings out of respect for those who are no longer with us.

Farm Flooding

Call for Standing Committee on Agriculture

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, during Monday's emergency debate on heavy rains and flooding affecting several areas of Manitoba, the Member for Interlake (Mr. Nevakshonoff) suggested opposition members were not willing to work together as a team to address this urgent situation.

Mr. Speaker, the Member for Lakeside (Mr. Eichler) has repeatedly called on the Standing Committee on Agriculture to be convened to deal with the challenges in agriculture. These requests have been ignored.

I ask: When will the Minister of Agriculture convene the Standing Committee on Agriculture to address the emergency issues affecting producers in such large areas of the province?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, I thank the member for recognizing the Member for Interlake for the work that he has been doing on this very important issue and bringing information forward.

Mr. Speaker, I have been in the Interlake. I've met with producers there and, in fact, yesterday I met with the Manitoba Cattle Producers to look at the programs that are in place, to look at how the Forage Assistance Program can work, how AgriRecovery can work, how AgriStability can work. There are various pots of money that are available, but there is no doubt there is a serious challenge that the producers in that area are facing and we are working with them. We will continue to work to ensure that people get the funds that they need to purchase hay this fall.

Mr. Briese: Mr. Speaker, the Member for Interlake says he has seen no fundamental changes or improvements made to risk management programs and the transition from CAIS to the new Growing Forward program, yet his colleague, the Minister of Agriculture, was at the negotiating table, signed the agreements, says she has faith in the new programs. Why don't the two of them agree?

Mr. Speaker, I ask the Minister of Agriculture which view is the right one. Are Growing Forward and Disaster Financial Assistance sufficient to address this emergency situation or will she provide more assistance to producers in this emergency situation?

Ms. Wowchuk: If the member's asking who's right and who is wrong, I'm right; he's wrong.

The Member for Lakeside (Mr. Eichler) has not taken the time to look at the programs. Mr. Speaker, these programs—it is the Member for Lakeside that is wrong. He has not taken the time to look at the AgriRecovery program. He has not taken time to look at AgriInvest. He has not taken the time to look at AgriStability.

Mr. Speaker, there are millions of dollars in those programs. There are targeted, there are advance programs to AgriStability. There are advance programs to Agri—

Mr. Speaker: Order.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The honourable Member for Minnedosa has the floor.

Aboriginal Off-Reserve Housing Federal Funding

Mrs. Leanne Rowat (Minnedosa): Mr. Speaker, as part of Bill C-48, \$61.5 million was transferred to the Province of Manitoba in 2006 from the federal government for the sole purpose of Aboriginal off-reserve housing. The federal minister of social development and the Province, our provincial Minister of Finance (Mr. Selinger), have both confirmed this total. This amount transferred in 2006, and two years later there appears to be few tangible results.

Mr. Speaker, I'd like to ask the Minister of Housing how much of the \$61.5 million has been spent and how many houses have been built?

Hon. Gord Mackintosh (Minister of Family Services and Housing): Well, we certainly were pleased to see what now is called the Jack Layton amendment actually go to work for Manitobans, Mr. Speaker.

I wonder with the question, are members opposite now changing their tune and do they, in fact, support social housing, the building of affordable housing? That seems to be implicit in the question, and if, in fact, that is the case then I've got

somewhere I'd like to go with the member because there are some serious looming issues with federal funding. I look forward to her next question.

* (14:20)

School Enrolment Guardianship Fees

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, my question is for the Minister of Education. I have a constituent who has a granddaughter that's just over four years old. When she was born, the grandfather and grandmother had taken responsibility of this particular child. This September they brought her in to register her at school, and now they're being told that they're going to have to pay thousands of dollars in order to have this child enrolled at Tyndall Park School.

My question for the Minister of Education: Does he not believe that the grandparents that are taking charge and taking responsibility of grandchildren should not have to—would he agree with me that they should not have to pay any sort of fees for their grandchildren to be able to attend school?

Hon. Peter Bjornson (Minister of Education, Citizenship and Youth): Mr. Speaker, I appreciate the question from the member opposite. I would appreciate it if the member would provide the specifics of this particular case to my office, and we will deal with that appropriately to ensure that the child is indeed enrolled in school and getting the education he or she deserves.

Mr. Lamoureux: Mr. Speaker, immediately following question period, I'll provide you the name, to the minister.

But it's the principle of it that I'm looking at. I'm looking for the Minister of Education to make a policy that would be province-wide, that in situations where you have grandparents taking care of their grandchildren, that a grandparent should not be charged in any way any fee for registering a student anywhere in the province of Manitoba. It's called putting—*[interjection]* I just found out about it, to the minister. *[interjection]*

Well, Mr. Speaker, I suggest to the minister: Would he give that guarantee today for all grandparents and putting children first?

Mr. Bjornson: Well, once again, Mr. Speaker, without knowing the specifics, and the preamble notwithstanding, once I have the details from the member I can act in an appropriate manner.

Guardianship is an issue that does come across the table occasionally, and I have asked for the department to examine guardianship questions as they arise. The main concern for me as minister is that the child be in the school and that the child receives the education he or she deserves.

So, again, if the member would be so kind as to provide the details, we can deal with it in the department.

Mr. Speaker: Time for oral questions has expired.

MEMBERS' STATEMENTS

Folklorama 2008

Mr. Mohinder Saran (The Maples): Mr. Speaker, I invite all members to join me in congratulating the organizers and volunteers of this year's recently completed multicultural festival, Folklorama.

Begun in 1970 as a one-time event to celebrate Manitoba's centennial, Folklorama has just concluded its 39th year and remains the largest and longest-running multicultural event of its kind in the world. The festival has grown from a one-week celebration with 21 pavilions in 1970, to the two-week festival with the 44 pavilions that we know today. While the festival has grown substantially over the years, its mandate to showcase the cultural diversity of the city through traditional music, food, folk dance and other cultural demonstrations has remained unchanged. Little wonder, then, that it has been recognized as the Best Cultural Event by the Canadian Event Industry, and The American Bus Association has named it an Internationally Known Super Event.

Ms. Marilyn Brick, Acting Speaker, in the Chair

Madam Acting Speaker, I visited no less than 42 pavilions this summer and met many of my constituents from The Maples who were either attending or volunteering their time at the festival. I'm also happy to report that my constituency also played host to the Ukrainian-Kyiv, Alpine and Paraguay pavilions, and I was able to visit the Ukrainian Pavilion on more than one occasion.

Madam Acting Speaker, all of Folklorama's pavilions are run by dedicated volunteers, and its world-renowned success would be impossible without their unflinching time and commitment to this annual event. Accordingly, I ask all members of the House to join me in thanking the approximately 20,000 volunteers, some of whom have not missed a single Folklorama in 39 years, for the countless

hours they've put in to ensure the success of this festival. Thank you.

George Lindsay Henderson

Mr. Peter Dyck (Pembina): The province of Manitoba lost a great man with the passing of Mr. George Lindsay Henderson. On behalf of the Progressive Conservative caucus of Manitoba, I would like to give our deepest sympathies to all of his family and friends.

George Henderson, son of John [*phonetic*] and Annie [*phonetic*], was born in Homewood, Manitoba, in 1916. Mr. Henderson had many careers, working as a farmer, real estate appraiser, broker and politician. He was well known and respected in his community. Mr. Henderson invested many volunteer hours in his community and was proud to serve. As a proud agricultural producer, he was president of the Pembina Hills Co-op, member of the Manitoba Pool Elevators Board and president of the Kaleida Pool Elevators Board. His service on many community boards must also be recognized, including the Manitou Chamber of Commerce, local school board, finance committee of St. Andrews' United Church, Pembina Valley Development Corporation Board, Targets for the Economic Development Board and a member of the land value commission. Mr. Henderson was committed to helping his community flourish and grow. It was a better place because of his exceptional efforts.

I can only commend Mr. Henderson's commitment to public service and hope others will follow his outstanding example. He proudly served as mayor of Manitou and went on to represent the constituency of Pembina for eight years as an MLA, from 1969 to 1977. He was a strong voice and a dedicated statesman for the people of Pembina. George Henderson will be remembered as a loving family man, pillar of his community and a giving individual. For those who knew him, his legacy will not only be the inspiration of his public and community service, but also the countless fond memories we have of him. I know he would be proud if I rose in the House today and simply said, George Lindsay Henderson was a good, caring man, who always did the best he could for those he loved and those Manitobans who elected him. Thank you very much.

FASD Awareness Events

Ms. Jennifer Howard (Fort Rouge): Madam Acting Speaker, I rise today to mark this week's

events for fetal alcohol spectrum disorder awareness. Children born with FASD will face challenges in how they work and learn for the rest of their lives. Despite these challenges, many people born with FASD work hard with the support of family, caregivers and friends to contribute to their communities.

Madam Acting Speaker, our government is committed to the prevention of FASD and support for those Manitobans and their families coping with the disorder. Earlier this week, we announced further initiatives that will assist in preventing and treating FASD, such as implementing the new Spectrum Connections program, hiring FASD specialists in each of the Child and Family Services authorities, increasing the number of Stop FASD program sites, investing in the co-ordination and improvement of services for women with addictions, enhancing diagnostic services, expanding the FASD Youth Justice program to The Pas and providing funding for a new FASD research award.

Mr. Speaker in the Chair

We know that FASD is preventable. The Manitoba Liquor Control Commission sponsors With Child, Without Alcohol, a campaign designed to foster awareness and prevention of FASD. Earlier in my career, I had the opportunity to work with women who were overcoming addictions to alcohol and drugs, some of whom had given birth to children affected by FASD. Today I want to salute these women and others like them who are courageously changing their lives, and by doing so, improving the lives of their families.

I know all of us in this House recognize the caring and compassion of families, caregivers, teachers and support staff who work with children and adults affected by FASD. Their work is often frustrating, but I know that they make a tremendous difference in the lives of these children. To these individuals, and the organizations that support them, let us all express our gratitude and support. Thank you, Mr. Speaker.

National Trucking Week

Mr. Larry Maguire (Arthur-Virden): I'm very pleased to rise today to put a few words on the record about National Trucking Week, which runs September 7 to 14 across Canada.

Now in its ninth year, National Trucking Week is organized by the Canadian Trucking Alliance, the Manitoba Trucking Association and the other

provincial trucking associations. The week is designed to mark the important contributions made by the 400,000 Canadian men and women who keep freight moving both across our country and beyond our borders. The importance of the trucking industry to Manitoba's economy cannot be understated. Manitoba is home to the headquarters of 12 of Canada's largest for-hire trucking companies and, in addition, there are approximately 425 for-hire trucking companies based in Manitoba. More than 40,000 Manitoba residents are directly or indirectly employed in the industry. That's roughly 5 percent of our labour force. For every 10 jobs created in our trucking industry, seven more jobs are created elsewhere in Manitoba through suppliers, the service industry or road departments, to name a few.

* (14:30)

Moreover, 95 percent of the goods moved within the province move by truck, and the trucking industry is responsible for shipping 80 percent of Manitoba's merchandise trade with the United States. Manitoba's truck drivers log thousands of hours and kilometres on the road, often driving in adverse weather conditions or on roads ranging from smooth pavement to challenging winter roads. I would encourage everyone to think about the high level of skill involved in driving a truck.

Trucking companies also take their commitment to their customers very seriously. They take many steps to ensure goods are delivered to customers on time and in a safe manner. We salute all their efforts.

On behalf of the Legislative Assembly, I would like to congratulate the trucking companies, the managers, drivers and all support employees for making the trucking industry such an important part of Manitoba's economy and to wish them all the best during National Trucking Week.

International Literacy Day

Mr. Doug Martindale (Burrows): Mr. Speaker, September 8 was International Literacy Day. On this day, the international community is reminded of the global need for literacy and adult learning.

Today, I would like to take a moment to recognize three outstanding individuals for their work to overcome the barriers of literacy and education here in Manitoba.

Last Monday, the Premier (Mr. Doer) presented Anita Martens, a single mother of three, with the Fourth Annual Council of the Federation Adult

Literacy Award. Ms. Martens arrived from Mexico nearly 30 years ago with limited English skills. She worked hard to learn English and eventually completed Grade 12. She is currently attending Red River College and working towards becoming a health-care unit clerk.

Lorri Apps is the executive director of the Literacy Partners of Manitoba. She received the Canada Post Literacy Educator Award for her work in promoting literacy through the province with Literacy Partners. She is currently working on developing Canada's first institute for literacy and learning.

I would also like to recognize Ms. Lisa Forest from Ile des Chênes, who received the Canada Post Literacy Award for Individual Achievement. Ms. Forest is a mother of five who was motivated by her daughters to receive her high school diploma and then her diploma in office management.

In Manitoba, there are nearly 200,000 adults who do not have a high school diploma. Our government recognizes that literacy is not a luxury but a right and a responsibility. It is the basis of well-being for individuals and our society.

The Minister of Advanced Education and Literacy (Ms. McGifford) has declared September as Literacy Month. Manitoba is committed to adult and family literacy by the proclamation of The Adult Literacy Act which will come into effect on January 1, 2009. This act is the first of its kind in Canada.

I encourage all members to join me in congratulating Ms. Anita Martens, Ms. Lisa Forest and Ms. Lorri Apps on their outstanding and exemplary achievements. I also urge everyone to continue promoting literacy throughout our province while remembering the struggles that millions go through around the world to get even minimal access to education.

ORDERS OF THE DAY (Continued)

GOVERNMENT BUSINESS

House Business

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, I wonder if you would call for second reading of Bill 47, The CentrePort Canada Act, followed by report stage amendments to Bill 37, The Lobbyists Registration Act and Amendments to The Elections Act, followed by, if we still have time this afternoon, report stage amendments on Bill 38,

The Balanced Budget, Fiscal Management and Taxpayer Accountability Act.

Mr. Speaker: This afternoon we will start off dealing with second reading of Bill 47, The CentrePort Canada Act, and then we will move on to report stage of Bill 37, and, if there's time, we'll deal with report stage, 38.

For right now, I'm going to call second reading, Bill 47, The CentrePort Canada Act.

SECOND READINGS

Bill 47—The CentrePort Canada Act

Hon. Ron Lemieux (Minister of Infrastructure and Transportation): I move, seconded by the Minister for Competitiveness, Training and Trade (Mr. Swan), that Bill 47, The CentrePort Canada Act, be now read a second time and referred to a committee of the House.

Motion presented.

Mr. Lemieux: I'm pleased to take this opportunity to talk about The CentrePort Canada Act. This new legislation is part of the government's economic agenda and marks a significant step forward in developing our inland port. The CentrePort Canada Act is a result of Premier Doer's leadership and productive—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. Members in this House are recognized by their constituencies or ministers by the portfolios they hold, not by name, please.

Mr. Lemieux: The CentrePort Canada Act is a result of the Premier's leadership and the productive partnerships with municipal, business and community leaders. I want to acknowledge a few of the many people who are supporting the development of our inland port and encouraging us to pass The CentrePort Canada Act: The City of Winnipeg, Mayor Katz and Deputy Mayor Brenda Leipsic; the R.M. of Rosser, Reeve Bourgooin; Winnipeg Airport Authority, Mr. Barry Rempel; the Premier's Economic Advisory Council, which is Bob Silver as co-chair and Robert Ziegler; Manitoba International Gateway Council co-chairs, Mr. Arthur Mauro, Mr. Art DeFehr; the Business Council of Manitoba, Mr. Jim Carr; the Chambers of Commerce, Mr. Dave Angus and Mr. Graham Starmer; the Manitoba Federation of Labour, Darlene Dziewit and many of her associates in organized

labour; Manitoba Heavy Construction Association, their chair, their board and Mr. Chris Lorenc.

Together, together I repeat, we are working as one community to build a stronger economy in Manitoba and attract new jobs, investments to our inland port. It is in this spirit of co-operation that I call on all members of this House to pass The CentrePort Canada Act as soon as possible during this session.

What is our vision for an inland port? It is a new centre of transportation, manufacturing and warehousing on 20,000 acres of land around the James Armstrong Richardson International Airport. It is new infrastructure that connects and integrates our inter-modal transportation system—planes, trains, trucks, ships—from the Port of Churchill to the Emerson border to the Pacific gateway. It is new international trade routes for goods travelling via Manitoba to the United States, China, Europe, the Americas and across Canada. It is working with companies to create and assemble new products in Manitoba that can be exported to global markets and, Mr. Speaker, it is about creating new jobs for our growing and educated work force.

This legislation is good for all Manitobans, rural and urban, and will mean greater funding for our roads, highways and other transportation infrastructure. It will mean an expansion in manufacturing, trade and transportation sectors. The CentrePort Canada Act in our inland port is good news for all Manitobans. The CentrePort Canada Act in our inland port builds on Manitoba's strong economic fundamentals and significant transportation assets.

We already have a network of railways, highways and inter-modal yards, a 24-hour international airport with cargo capacity, convenient access to the United States via Emerson border crossing and growing international shipping through the Port of Churchill.

As well, recent initiatives include provincial legislation for tax increment financing to support the inland port's development; an \$85 million federal-provincial investment for improvements to PTH 75, Manitoba's key trade route to the United States; \$68 million in federal-provincial funding for the partial twinning of PR 221, Inkster Boulevard, a central route to the inland port; and \$55 million in federal-provincial funding for an interchange in rail-grade separation where two Asia-Pacific corridors meet in Manitoba, the junction of Trans

Canada Highway and PTH 16; \$68 million for upgrades to the Hudson Bay rail line and the Port of Churchill; the expansion of the international airport, the only unrestricted 24-hour airport on the prairies. This is in addition to the Canada Post, Greyhound Canada and Standard Aero expansions near the airport.

All this is to say that we have a bright vision for the future and a strong track record from our past. The CentrePort Canada Act is an important part of our plan to move forward on the inland port.

Mr. Speaker, it will take years to implement the plan and this is why we're taking action now. The CentrePort Canada Act would establish CentrePort Canada Inc. a non-share capital corporation with the mandate to operate Manitoba's inland port as well as attract and co-ordinate investment in the inland port area.

*(14:40)

The act describes 20,000 acres of land near the James Armstrong Richardson International Airport that would be designated for the inland port. This land would be developed based on a single-transportation infrastructure and land-use plan that will be created in consultations with businesses, municipalities and citizens. As part of this planning process, the 24-hour operation of the airport will be protected to ensure that development does not limit this competitive advantage for our inland port.

Implementation of this single plan for transportation, infrastructure and land use will allow for fast-track investment and economic decisions so that companies can get to work in the inland port. We want to provide companies with the confidence and certainty that our inland port is a great place to invest.

The act creates a private sector corporation with a mandate to develop, invest and promote in the inland port. This means that CentrePort Canada Inc. will be a one-stop shop for business that we want to come to this inland port and to Manitoba.

However, allow me to be clear to Manitobans. The corporation will not have the authority to tax. Also, we expect that the corporation will become financially self-sustaining. The act also outlines the governance of the board of director. The corporation would have between nine and 15 members, with the majority of directors from the private sector. Labour and governments would also have the opportunity to nominate a director to the board.

In conclusion, Mr. Speaker, based on input from business, municipal and community leaders, we believe that The CentrePort Canada Act is the right model for Manitoba and the best approach for our inland port. We are confident that The CentrePort Canada Act will deliver results for Manitoba, and we call on all members of the House to support this new legislation and our inland port.

In our history, we were once known as the gateway to western Canada. We believe with this legislation and our initiative on the inland port, we will be the gateway to the world and the gateway to North America. Thank you.

Mr. Gerald Hawranik (Lac du Bonnet): I move, seconded by the Member for Arthur-Virden (Mr. Maguire), that debate on Bill 47 be adjourned.

Motion agreed to.

Mr. Speaker: I will now call report stage amendments on 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. There are amendments to be moved by the honourable Leader of the Official Opposition (Mr. McFadyen).

Mr. Gerald Hawranik (Lac du Bonnet): I wanted to debate on the last report stage amendment that was presented yesterday before 5 o'clock.

Mr. Speaker: I've received the request. It's government business, and I received the instructions from the Government House Leader (Mr. Chomiak) that would have to be negotiated between the Official Opposition House Leader (Mr. Hawranik) and the Government House Leader.

Mr. Hawranik: You didn't close debate.

Mr. Speaker: So you're asking for leave to change the order from report stage, but now to deal to resume debate on report stage amendments to deal with the amendments that are listed on Bill 37. You're asking leave to change the order?

Mr. Hawranik: Point of clarification, Mr. Speaker. I thought the order was to be at this point after second reading of Bill 47, that we were to go to report stage on Bill 37. If you can clarify that for me.

Mr. Speaker: The honourable member is correct. We are doing report stage amendments. But what you're asking for is to resume debate on report stage amendments. That's a different category.

Mr. Hawranik: Yes, I am, Mr. Speaker. I'd be asking for leave to resume debate on report stage amendments.

Mr. Speaker: Does the honourable member have leave to change order. The honourable member is asking leave of the House to change from report stage amendment of Bill 37 to resume debate on report stage amendment of Bill 37. Is there agreement? *[Agreed]* Yes, there is agreement

DEBATE ON REPORT STAGE AMENDMENTS

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. Speaker: Now, I'm going to be calling the report stage amendments as listed.

The first one is the amendment, No. 1 is clause 3(2)(4) of Schedule A, standing in the name of the honourable Member for Family Services and Housing.

What is the will of the House? Is it the will of the House for the amendment to remain standing in the name of the honourable Member for Family Services and Housing—or the Minister of Family Services and Housing (Mr. Mackintosh)? Is there agreement? *[Agreed]*

There is agreement. That will remain standing.

Now, I'm going to be asking the House if there is agreement for the debate on the amendment of No. 2, clause 5(1) of Schedule B, standing in the name of the honourable Minister of Family Services and Housing. Is there agreement for it to remain standing? *[Agreed]*

The honourable Official Opposition House Leader, on a point of clarification.

Mr. Hawranik: Yes, Mr. Speaker, the table officers have brought to my attention that the amendment that I wanted to debate at this point was the one that we ended off with yesterday, which would have been, I believe, amendment No. 4.

Mr. Speaker: We will get to it, but I just have to do them in order because the request was to resume debate on Bill 37. There was no specific request at that point. So, when I get to it, and if members wish to speak, that's when they'll have the opportunity. I

only have a couple more. If we just have a little patience here.

So No. 2, it's been agreed to remain standing? *[Agreed]*

Now, No. 3, clause 6 of Schedule B 49.1(1), standing in the name of the honourable Minister of Family Services and Housing (Mr. Mackintosh). Is it the will of the House for the amendment to remain standing in the name of the honourable minister? Is there agreement? *[Agreed]* Okay, that's been agreed to.

This is the one I guess he's waiting for. No. 4, clause 6 of Schedule B 49.1(2), which the debate remains open.

THAT Bill 37 be amended in Clause 6 of Schedule B by replacing the proposed subsection 49.1(2) with the following:

General election on second Tuesday in June

49.1(2) Subject to subsection (1) and section 51.1,

(a) a general election must be held on the sooner of

(i) Tuesday, June 14, 2011, or

(ii) a Tuesday not later than 35 days following the dissolution of the Legislature by the Lieutenant Governor pursuant to the Lieutenant Governor's exercise of those powers referred to in subsection (1); and

(b) thereafter, a general election must be held on the sooner of

(i) the second Tuesday in June in the fourth calendar year after election day for the last general election, or

(ii) a Tuesday not later than 35 days following the dissolution of the Legislature by the Lieutenant Governor pursuant to the Lieutenant Governor's exercise of those powers referred to in subsection (1).

Are there any members wishing to speak?

Mr. Hawranik: Yes, thank you very much, Mr. Speaker. I think we got it all straightened out now in terms of where we wanted to go, but I thank you for that. *[interjection]* Yes, absolutely, and I thank you for that, and we got to the point where we wanted to be.

I wanted to put a few brief remarks on the record with respect to this particular amendment. I think I made my thoughts known yesterday just at 5 o'clock.

So I wanted to deal with some of the issues with respect to that particular amendment.

I would support the amendment being brought forward, Mr. Speaker, by the Leader of the Official Opposition (Mr. McFadyen). I commend him for making that amendment, in particular because it certainly clarifies some of the language that is within Bill 37 with respect to when an election will be called. So I support that amendment.

Having remembered when that bill was introduced last session in the spring, Mr. Speaker, I thought, first of all, when it was introduced that it was either ill-thought-out or it was pre-planned. I wasn't sure how to take this bill after I started reading the provisions. Was it pre-planned in a desperate attempt by this NDP government to try to continue to stay in government? I wasn't sure. It was either ill-thought-out or pre-planned.

I looked at how it was introduced. It was introduced the very last day that it could have been introduced to become a specified bill last spring. At the very last day, a very controversial bill introduced, and knowing full well, the government knew that under the sessional order, if everything went as planned, that, in fact, it would have received concurrence, it would have received third reading debate, and it would have received third reading vote. So they knew that, with respect to the sessional order, they were going to be introducing controversial bills at the time, that there was a very good chance, an excellent chance that a bill such as this, which was very controversial, would, in fact, be passed at some point.

* (14:50)

In any event, Mr. Speaker, when I looked at the bill itself, and I looked at the press release after the bill was introduced, I noticed that the Premier (Mr. Doer) went out into the hallway and he stood on his soap box and told all the reporters there, in fact, that this bill was simply a bill to set election dates. That was what the focus was on in terms of the press release. That was the focus of the scrum afterwards, and he convinced the media at the time, in fact, that that's what this bill was all about. But, as we got into the bill and dealt with it a little more deeply and thought about the consequences of what was in that bill, there was much more to this bill than was originally thought.

The bill does several things. It sets an election date on June 12, 2011, and every four years

thereafter. Unless, Mr. Speaker, he calls it on June 11, 2011. But hold it. Maybe—maybe—he could call it on June 1, 2011, and still get away with it, and then again, he could call it in 2009. He could call it any date in 2010 and still comply with the legislation. That's our concern. It's not that there are set election dates. We are certainly in favour of set election dates, and every four years thereafter. We don't have a problem with that. In fact, one of our members, about a year prior to that, introduced a bill for set election dates which was not voted on as a private members' bill in this Legislature. The government refused to vote on it, and therefore it died on the Order Paper. We're not opposed to that. What we're opposed to is setting an election date and then saying to the public, when time is right, when the political winds are in your favour, you can change the election date and still comply with the law. That's our concern. The Premier got out in the hallway and he stood on his soap box in front of all the cameras, and announced an election date three years into the future. The reality is, that may not necessarily happen. It's still at the political whim of the Premier as to when he really wants to call the date of the next election.

Secondly, when we looked at the bill, we noticed that there was a vote tax in there, Mr. Speaker. Everybody who votes in the last general election will be—they aren't assessed, but the money comes out of the provincial coffers, general revenues, to pay to political parties. That's not only this year, but next year and the year after and so on. Not just the year of the vote, but for the next three or four years until the next election, and then continuing thereafter in perpetuity. I know the Premier (Mr. Doer) is on the record. He's been on the record as, in fact, indicating that he wants to increase the number of people coming out to vote. He thinks that there's a general malaise in the province that Manitobans at times should be encouraged to come out to vote, and yet at the same time he brings in this vote tax. We're concerned about that and the inequities that may result.

We should be attracting donations to our political parties on the basis of our policies and on the basis of whether Manitobans really want us to govern, and whether we're able to govern, and so on. Political parties should be able to convince voters to give them funds in order to run campaigns. We shouldn't have government telling taxpayers of Manitoba that if they vote, there's a vote tax and the

political party of the day gets funded for the next election.

The third thing that this bill does is it muzzles the opposition, Mr. Speaker. When you look at some of the provisions in there, what it does is it ensures that government has control over communications from this Legislature. That's not fair because we, in this Legislature, as opposition parties, don't have control over third parties, for instance, when they advertise during elections. We don't have control over government advertising even during election periods or prior to election periods—advertising that sometimes we've taken issue with because of the amount spent on advertising in terms of, say, budgets and throne speeches, has gone overboard.

What it does is it gives the governing party an advantage over the opposition. This particular bill muzzles the opposition in terms of what's in a particular piece that goes out to their constituents. It really amounts to censorship. No one on the government side seemed to know what was in this bill. They all assumed, when the Premier went out in the hallway and when he introduced the bill itself, they assumed what he said was completely accurate. It seemed to me that, when I was looking at the Premier introduce this bill, and the Minister of Justice (Mr. Chomiak), I believe, who also was on as part of this bill in terms of the seconder to this bill, that they seemed to know what was in the bill. But other government members didn't seem to know what was in the bill. When the final details came out, when we found out really what was in this bill, I think even members of the Premier's own Cabinet and backbenchers of the government, I think they took exception to it as well.

So it would be interesting to see whether or not they'll have a complete vote on this bill, whether in fact all government members will vote for this bill. I'm not sure whether they will. I think they've gotten a lot of feedback from their constituents as I have from mine, indicating that it's wrong, that we shouldn't have a vote tax in this province, and it's wrong to muzzle the opposition to tell Manitobans what's really happening in this Legislature, and it's wrong for the reason of censorship alone.

So, with those brief comments, Mr. Speaker, I just wanted to put some of my thoughts on the record with respect to this particular amendment. I support it, and I would hope the government side supports it as well. Thank you.

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, I'm very encouraged by my colleague the Member for Lac du Bonnet (Mr. Hawranik) in regard to his clarity in regard to this particular clause, clause 4, if you will, in regard to the proposed amendment to Bill 37. Of course, Bill 37 is 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. Speaker, there's a lot involved in rolling it all into this one particular act. I think that says in itself that the Premier tried to hide a lot of the things that are in this act right from day one. My colleague from Lac du Bonnet certainly clarified that the intent, the way the Premier had hoped to lead the public, was to say that we'll have an election in June 2011, and that was his intent, but the clauses in the act do allow the Premier to skate on that to allow him to set a date whenever he likes.

While our side of the House certainly did bring forth—one of my colleagues brought forward a private member's bill to deal with set election dates which we were in favour of. We needed to support a bill that did just that, set an election date.

This bill, although the Premier—and I was here as well—I know of what the Member for Lac du Bonnet (Mr. Hawranik) speaks, and our leader when the Member for Fort Whyte (Mr. McFadyen) introduced this amendment in report stage, we were sitting and we watched the Premier leave the Chamber, go out in the hall, mislead Manitobans by saying that this bill was all about set election dates; we're going to have an election on June 14, I believe it was, of 2011. The people of Manitoba, I think most polls that you would take today would show that they are in favour of a set election date, and other jurisdictions have done that.

Our municipal elections, our school board elections are now held every four years on a particular date in October, and the public has accepted that as an opportunity to express their view at different levels of government. The Premier read it correctly in saying that if Manitobans want this, we'll provide them with that opportunity here in Manitoba, but what he didn't say in this bill, Mr. Speaker, or out in the hall to the press that day or the media or all of Manitobans, was that he still reserved the right by the clauses in this act, in his bill, to set an election date prior to this date or maybe even not use this date

if he so chose. It could be later in regard to the bill that was there.

So that, of course, was one of the first red flags that went up to us as opposition members on this bill, and why this amendment has been brought forward by the Member for Fort Whyte, the Leader of the Progressive Conservative Party, that the general election be held on the second Tuesday in June. A general election must be held on the sooner of the Tuesday, June 14, 2011, or a Tuesday not later than 35 days following the dissolution of the Legislature by the Lieutenant-Governor pursuant to the Lieutenant-Governor's exercise of those powers referred to in subsection 1.

* (15:00)

Mr. Speaker, of course we're not in that situation in Manitoba now, but there are a number of situations across Canada and particularly in Canada, and, of course, we're having a federal election as we speak, where you end up in a minority government situation. When you have a minority government situation, you have to reserve the right to allow an election to be called at the dissolution of the Legislature by the Lieutenant-Governor, and that is something that very, very much separates this from any kind of Americanization of Canadian politics because, of course, in the U.S. system, they don't have a minority situation. They have two parties, they have a clear election resolve in each election, and they don't need a—

An Honourable Member: Not in 2000.

Mr. Maguire: Well, still had one president, and they don't need to have a reason to defer from the fact that they will have that election every four years in November. This is why the clause has been written in the form that it has, and in other circumstances, Mr. Speaker. I have to concur with others who have said that the bill put forward by the Premier (Mr. Doer) was an ill-conceived bill to lead Manitobans in an area where he felt they wanted to go but still provide the Premier with a slippery slope to make the decision of whatever day he wanted to have an election on.

Of course, when we delved into it further, Mr. Speaker, all of the issues that we've talked about came to light. Of course, the first one being the vote tax. I've stated in this House last summer in the previous part of this session how this bill allowing for a collection of funds by the government through

general revenue on a basis of a dollar amount per voter in the election, and if my memory is correct—because I haven't seen the numbers lately—but I'm pretty sure that the numbers were that the NDP under that number would have collected about \$252,000-plus, and so the Premier chose to cap the number at \$250,000. Well, my goodness, he saved the province of Manitoba's citizens 2000-and-some dollars, and he's asking them to commend him for that. Well, I can't imagine anyone would do that. It also meant that our Progressive Conservative Party would have attained some \$190,000 from the people of Manitoba for their right and thanks for voting for us as a party here in this province, and my two Liberal colleagues in the House would have received somewhere in the neighbourhood of \$60,000, if I believe is correct, somewhere in there. *[interjection]* Absolutely.

You know, a vote tax taking money from the citizens of Manitoba—because they had the right and took the right and the privilege to vote for us—is not something that I'm very proud of in this House. If the government chooses not to accept this amendment or not to bring one of their own in—because, of course, they're allowed to do that at any time that they wish, Mr. Speaker, as well—then they will be judged by the decision that they've made.

I believe, as my colleagues have stated, and our leader, that the political parties of Manitoba should be able to raise funds as we've done historically on our own basis, on our own merits and, by speaking directly with our colleagues in our constituencies and our members whether or not they agree with the policies that we have, then we'll be—decisions of finance will be put forward on their open and generous donations to our parties, all of us, Mr. Speaker, in this House. I think that that's certainly consistent with some of the issues that I dealt with as a farm leader. Many of my colleagues in one organization I was with wanted me as a leader to lobby several organizations or provincial governments across the Prairies to allow them at that time to have a check-off, if you will, for funds to have an organization at that point. In the particular situation that I was in, because it wasn't a general farm organization as we have in Manitoba today, in one province, like the Keystone Agricultural Producers, it was across political boundaries. I felt it would be quite some task to bring three provincial—in fact, it was actually four, because we had members in British Columbia, as well, at that time, on board for that type of legislation, and the organization had

been run and is still being run clearly from past donations of individuals that helped make it run.

That's the number of reasons, one being consistency, Mr. Speaker, that I choose to vote against this bill because of the vote tax that the NDP has put into this bill. I believe that it's an unnecessary part of managing the political process and certainly one that would give the governing party about a quarter of a million dollars head start on any opposition in the next election. I don't think any particular government in power should have that ability.

When I look at the other flaws in this bill, of course, the biggest one is the fact that when I was to send out a piece of information to my constituents, the government had a clause in there that would have vetted that information going out, that they would have muzzled the information—

Mr. Speaker: Order. The honourable member's time has expired.

Mr. Blaine Pedersen (Carman): I certainly rise to put my comments on the record in support of this amendment to Bill 37. We all know how it was introduced, at the very last minute in order to make the sessional order, and it's all about perception and reality.

The perception was that it was going to set fixed election dates, and the media certainly bought into that idea, and many of our constituents also bought into the idea that it was fixed election dates. However, as we know with many other actions of this government, perception and reality are very seldom the same. In reality, what this bill did in terms of fixed election dates was yes, it set a date somewhere off in the future, but it also allowed the Premier (Mr. Doer), at his discretion, to call the election at any time.

It's fascinating to watch the medias put the spin on the media and the general public and it really fell to us as the opposition to bring out what is reality here, that there was no actual fixed election dates. This amendment here will go a long way towards addressing this, to make it fair and open and not up to the Premier's discretion.

It was absolutely entertaining to watch. The media buys into it and I go home to my constituency after the bill was introduced, and people are telling me, well, that fixed election date's a good thing. I said, did you know about the other parts of the bill,

like the vote tax and how it's going to muzzle up the opposition and the control of the legislation. It's always in the details. Of course, the general public had not been informed of this, and it was only through our own due diligence that we see what was involved.

The vote tax, when you mention that to our constituents, they are not happy with this at all. It certainly speaks to the NDP's fundraising abilities. Apparently they've run out of ideas on how to go out and fundraise, either run out of ideas or just run out of ambition to go out and fundraise. Now they're just going to tax the general population of Manitoba to promote their ideas and to try to hold on to government at any cost.

The thought of putting a quarter of a million dollars, \$250,000, into the NDP's coffers each and every year for a million-dollar slush fund for the next election, it gets many of my constituents, for sure, very upset about this. The thought that my own tax dollars could go into the NDP is pretty disturbing. That my tax dollars could go to the Communist Party I find is even more disturbing. Their motives on this are certainly for themselves. We are not in favour of that part of it at all in this bill. In fact, there is very little in Bill 37 that we can be in favour other than cleaning up this part of the election calls.

* (15:10)

Bill 37, as it was introduced and as we did our own due diligence on it, we discovered that there was also muzzling opposition in this in terms of advertising dollars and in terms of having to have our communications vetted through a Cabinet posting, is just bizarre. In this day and age, it's censorship in the worst way.

We will work very hard to make sure that the general public knows about what their real intentions are in this bill. The fact that they've stooped so low, unless, maybe, it comes from being in government for so long they've lost touch with reality in Manitoba. We are certainly doing our best to make sure that we do have the reality checks in here.

Going back to the day that the bill was introduced, how it was distributed to the media, our impression was that the caucus themselves, the NDP caucus themselves, didn't know what was in this bill. It seems surprising that the government's own caucus would not at least know about it. Of course, they were no help to us to realize what was in this bill

because they were caught off-guard just like the rest of it. It certainly would be interesting to know what their constituents thought about a vote tax, but we've managed to hear back from a lot of those ridings, also, that they don't like this at all.

As a caucus here, we're trying to clean up; we're trying to do our best to clean up a bad bill. The government will persist on this. I have the feeling that, in spite of themselves, they won't take a sober second thought, if I may call it that, and look at aspects of this bill. I highly doubt that the individual caucus members will back off from this. In fact, when we were in committee and it was actually on Bill 17—but I'm sure the thought pulls through on all these bills—when we were speaking back and forth with some of the backbenchers in committee, we asked them, you know, like, won't you, why don't you reconsider this? Why won't you think for yourself? Why won't you speak up and speak your own thoughts on this?

The Member for Burrows (Mr. Martindale) just told me that then they support this. This was payback for selling MTS. It's incredible that, if that's their reason for supporting bad legislation is because it's get-even time, in their opinion, that's a sad statement on the NDP caucus members if they are not able to think for themselves.

However, that being what it is, I guess that's the way they will go, and this bill is just bad from the word go. We've seen this time and time again, this coming out of the Premier's (Mr. Doer) office. This is not well-thought-out legislation. They have run out of ideas. They've run out of fundraising abilities, I guess, so, if nothing else, tax the taxpaying public to keep their ideals going.

The press releases in regard to this, which this particular amendment relates to for the fixed date in the election, just show how hypocritical this government really is when they go out and send out press releases and try to tell the public that, yes, they've set fixed election dates. Yet, on the other hand, they've put a clause in there saying, well, no, it's really up to the Premier's call for whenever. It's an arrogance that shows through time and time again.

We've seen this on Bill 37. We've seen it on Bill 38. Bill 17 is a classic example of the arrogance of not listening to heartfelt stories from everyday, if I may call them that, Manitobans, and we intend to continue to push on this. We will promote our

amendments and, hopefully, the government will see the light of day here and that these amendments really do make sense and that everyday Manitobans are expecting the current government to listen to them as we move on here.

As we continue to debate these, there are other amendments coming forward and we hope that the government will at least sit back and think about this and start to think on an individual basis of what they're actually doing and not just vote along party lines. But you know, I'm not expecting miracles out of this, so we will—I urge all the government members to sit back and look at this amendment here. It goes a long way to providing clarity that all Manitobans expect out of their government.

Certainly, with that, Mr. Speaker, I want to again just issue my support for this amendment and I hope that all government members will support this amendment as well. Thank you.

Mr. Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Leader of the Official Opposition (Mr. McFadyen).

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

An Honourable Member: No.

Voice Vote

Mr. Speaker: All those in favour of the amendment, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it.

Mr. Hawranik: On division, Mr. Speaker.

Mr. Speaker: On division? On division.

REPORT STAGE AMENDMENTS

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. Speaker: As previously agreed, we will now deal with report stage amendment to Bill 37.

Mr. Hugh McFadyen (Leader of the Official Opposition): Mr. Speaker, I move, seconded by the Member for Lac du Bonnet (Mr. Hawranik),

THAT Bill 37 be amended in Clause 12 of Schedule B by striking out "must" and substituting "may" in the proposed subsection 64.1(1).

Mr. Speaker: It's been moved by the honourable Leader of the Official Opposition, seconded by the honourable Member for Lac du Bonnet,

THAT Bill 37—dispense?

An Honourable Member: Dispense.

Mr. McFadyen: Mr. Speaker, this is an amendment that changes one word in the proposed section of Bill 37, but it is an important word. It changes the bill to say that, rather than making it mandatory for the Chief Electoral Officer to undertake an enumeration and prepare a list of addresses in connection with preparing voting lists, but it provides discretion. The reason that we would want to provide that discretion is that we currently have, at the federal level, a high level of sophistication and much investment that's been made by Elections Canada in the compilation of a national voter registry, one that includes input from a variety of different data sources and which has provided, as it evolves, an increasingly comprehensive list of voters throughout Canada, including here in Manitoba.

So the intent of the amendment is to lay the groundwork where it is appropriate and where the Chief Electoral Officer believes that it may provide some efficiencies or provide a more effective and accurate list of voters here in Manitoba, allows them to make that choice as to whether they want to undertake their own process of preparing a list or whether they want to simply enter into an arrangement with Elections Canada to make use of the federal list. We don't, at this stage, want to substitute our judgment for that of the Chief

Electoral Officer in terms of what list may be more comprehensive or appropriate.

At the end of the day, the bottom line for all of us is to have an accurate list that includes every Manitoban who would be legally eligible to vote in an election campaign. So the preparation of accurate voters lists is important for a number of reasons, as we know. It ensures that people receive communications from Elections Manitoba about where and when they can vote. It ensures that they receive communications from political parties that would attempt to put forward their platforms and ideas in the campaign, and ensures that when people do arrive to vote that they are properly accounted for and able to exercise the most important right that we have in our democracy. So it may seem administrative in nature in many respects, but it is fundamental to the exercise of our democratic rights in Manitoba that we have a comprehensive and accurate and up-to-date list of voters.

* (15:20)

We have an opportunity to find efficiencies and to save scarce Manitoba tax dollars to apply them to areas that would perhaps provide more value in the electoral process, and so we would want to have the Chief Electoral Officer have an option on this point. We don't want to direct them in one way or the other in terms of whether they want to go and conduct their own enumeration or make use of the federal list through an agreement with the Chief Electoral Officer of Canada, but certainly to provide them with that option going forward. We think that in due course it may very well be necessary for this House to revisit the issue again and to determine whether we want to make it a permanent feature of our legislation to make use of the enumerations and the list generated at the national level.

I want to credit former city councillor Jae Eadie for this proposal. He had come to committee hearings on Bill 37, presented a number of constructive comments, very many criticisms about Bill 37. I know Councillor Eadie, who, whether you agree with him on every policy position or not, certainly is a strong believer in our democratic institutions and somebody who's operated within them throughout much of his career, who knows a lot about elections and election processes, and that he was very much in opposition to many of the provisions of Bill 37. He expressed his concerns about the attempt on the part of the government to muzzle opposition political parties through their

communications. He expressed concerns about a variety of other areas, but not being content to merely stand up and criticize, he offered some constructive ideas about how we might move our electoral process forward with some concrete new ideas and suggestions that could improve the administration of elections here in Manitoba.

So one of those ideas which we took note of and which we believe was a constructive one was his proposal that we look here in Manitoba at using the national list of electors—which is, as we understand it, updated on a fairly continuous basis—that this may provide a more comprehensive list of voters as well as provide us with efficiencies in the enumeration process, thereby saving Manitoba taxpayers money and improving the administration of elections here in Manitoba.

So, as I have said, Mr. Speaker, this is an opportunity to perhaps eliminate some overlap and duplication, I know something that is not near and dear to the hearts of members of the NDP, members opposite, who we know love to spend tax dollars at every opportunity. They continuously see these expenditures on wasteful items as a way of perhaps attracting votes to their party, but in this case we think—we side with the taxpayers in Manitoba who get up every day, work very hard and pay their taxes. We side with them in wanting to seek efficiencies where we can. So this is one example of an area where perhaps efficiencies can be found. We leave it to the Chief Electoral Officer to exercise his or her discretion in terms of the appropriate way to administer elections in Manitoba efficiently and fairly to include all Manitobans who would be eligible to vote in an election campaign.

So this amendment simply goes from requiring the Chief Electoral Officer to do certain things in connection with gathering lists of addresses and preparing voters lists and makes it something that they would have discretion over in pursuit of the most comprehensive, fair and efficient voters list that can possibly be assembled, and so it's a common-sense amendment. We know, and I'm confident the members opposite will not vote to spend money needlessly, tax dollars needlessly, and, for that reason I'm confident that they will support this amendment and encourage all members to do so. Thank you, Mr. Speaker.

Mr. Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the amendment moved by the honourable Leader of the Official Opposition (Mr. McFadyen).

Is it the pleasure of the House to adopt the amendment?

An Honourable Member: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Speaker: All those in favour of the amendment, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed to the amendment, say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Nays have it.

Mr. Gerald Hawranik (Official Opposition House Leader): It's on division, Mr. Speaker.

Mr. Speaker: On division.

* * *

Mr. Speaker: Okay, we will now move on to the next amendment.

Mr. McFadyen: I move, seconded by the Member for Steinbach (Mr. Goertzen),

THAT Bill 37 be amended in Clause 12 of Schedule B by replacing the proposed clause 64.1(3)(c) with the following:

(c) the permanent register of electors established and maintained by the Chief Electoral Officer of Canada.

Mr. Speaker: It has been moved by the honourable Leader of the Official Opposition, seconded by the honourable Member for Steinbach,

THAT Bill 37—dispense?

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mr. McFadyen: This amendment was tied to the previous one, providing for, or enabling within the legislation, the use of lists compiled at the federal level in order to improve the efficiency of elections here in Manitoba. The intent is to ensure that we have a comprehensive list of voters any time we go into an election campaign, to ensure that those voters are listed accurately in terms of their residence and

their addresses so that they can be on the receiving end of important information from Elections Manitoba about things such as polling locations, hours for advance polls, hours for polls on election day itself, and any other information that might pertain to voters, who obviously have a profound interest in being able to exercise their right to select the governing party of the province.

I know many voters, as time goes along and this NDP government remains in power for an increasingly long period of time—it's now nine years—nine years that they've been in power, the nine lost years of no accountability, nine years of drift, Mr. Speaker, that the voters of Manitoba will want to, some three years from now, have the opportunity to take a hard look at what will then be 11 years of failure in health care, 11 years of inaction with respect to law enforcement and safety of communities. They'll certainly want to take a hard look at the financial mismanagement, evidence of which is emerging every day.

I know many will be taken aback to learn, after the Premier's (Mr. Doer) vigorous attacks on our party in and around 1999, that at the very time he was attacking us in a highly partisan way, four members of his current Cabinet were running campaigns that filed false election returns in order to trigger unwarranted rebates. That's information that has only come to light recently. Unfortunately, voters in the last general election didn't have that information because the government of the day had successfully concealed it, but that information has come to light now. That, along with many other factors, will be things that voters in the next election will want to consider when they decide whether or not they want to extend the life of a government that is clearly out of gas and lacking the credibility to govern the province.

That's why election lists are so important. It's why we want to see this act amended in ways that ensures that Manitobans have the franchise, that they're on the list, that the list is accurate, that they find out where they can go and vote for change when the time comes. Mr. Speaker, this amendment, while not in any way predetermine the outcome of the next election, would certainly help move it toward being a fair and open process and one that all Manitobans would have the opportunity to participate in.

* (15:30)

In addition to that, it is an opportunity to gain efficiencies to perhaps rededicate resources that are

currently used in an enumeration and address list updating process and, perhaps, be able to reinvest those resources in other areas that are important to Manitobans who want to see their taxes used wisely, applied in areas of priority, certainly not seeing their dollars go toward hydro lines to nowhere and other such wasteful projects.

They are going to want to see their money used well. I know that every member of this House who cares about taxpayers, who cares about spending their money wisely will want to support this amendment, Mr. Speaker. Thank you.

Hon. Steve Ashton (Minister of Intergovernmental Affairs): I move, seconded by the Minister of Agriculture (Ms. Wowchuk), that debate be adjourned.

Motion agreed to.

Mr. McFadyen: I move, seconded by the Member for Steinbach (Mr. Goertzen),

THAT Bill 37 be amended in Clause 25 of Schedule B by replacing the proposed subsections 186.1(2) and (3) with the following:

Notice of results of investigation.

186.1(2) The commissioner shall make public the outcome of all investigations and may include, in the commissioner's discretion, in the publicly recorded information

- (a) the name of each person investigated;
- (b) the nature of the matter investigated with reference to the relevant sections of this or any other Act; and
- (c) the disposition of the investigation and the reasons for the disposition.

Mr. Speaker: It's been moved by the honourable Leader of the Official Opposition (Mr. McFadyen), seconded by the honourable Member for Steinbach,

THAT Bill 37—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. McFadyen: Thank you, Mr. Speaker. Every member who believes in integrity and openness in the election process is going to want to support this amendment.

The facts that have given rise to this amendment are significant ones. We have had, in the course of recent history, examples of allegations of improper

conduct on the part of people engaged in the electoral process that have been looked into. There have been, in some cases, announcements made that a decision was made to not proceed with charges, but no explanation accompanying those announcements, Mr. Speaker, as to what the reason was for the decision.

We believe, Mr. Speaker, that this is in the public interest for Manitobans to understand that, when allegations are investigated by Elections Manitoba, such as the allegations that were made by two individuals who were present in a meeting with the Premier's Chief of Staff, Mr. Balagus, allegations that one of them was offered a position in exchange for dropping out of an NDP nomination process.

Those allegations were made by two people. There was one person who alleges that he was on the receiving end of the offer and a second witness present who corroborated the evidence of the individual. The matter then came to light. It became public, thanks in no small part to the efforts of members of this House, including the Member for Inkster (Mr. Lamoureux) and others who brought the information to light and certainly and justifiably had concerns that there was this level of involvement by the Premier's chief of staff in the process.

We know that the allegations were made. We know that the individual involved did, in fact, withdraw from the nomination process. We know, as well, that the matter was then referred to Elections Manitoba for investigation. We were, I guess, surprised and disappointed, not with the decision itself, but with the lack of information that came out with respect to the reason for the decision, Mr. Speaker.

If, in fact, there was a finding on the part of the council that the witnesses had no credibility or the evidence wasn't sufficient or, perhaps, there was even a technical finding in their review that perhaps the conduct complained of didn't fall squarely within the existing provisions of The Elections Act, that maybe there was a technicality, maybe the allegations were credible, but the individual involved didn't fit within the definition of candidate under that act, which is actually a possibility that's been raised by other lawyers. We just would've liked to have that explained publicly so that all Manitobans could be satisfied as to the reasons for that disposition.

Ms. Marilyn Brick, Acting Speaker, in the Chair

In other cases, Madam Acting Speaker, such as where we have a situation where election returns are filed claiming rebates on the basis of claimed expenditures, and it turns out that in fact the issue was a donation in kind, and there's no prosecution. There were no charges laid. There's an opportunity provided for the governing party to repay the money some three years later without interest or penalty. We think it's important that there be disclosure as to the investigation and the reasons for the disposition. Not to suggest that the decision was wrong, per se. It may have been and it may not have been, and we have a very bad feeling about this decision, but we would want to know that the public was provided with an explanation and that all members of the Legislature were provided with an explanation so that we could be confident in the way that these investigations are carried out and administered. As it stands right now, and it's been the subject of some media commentary, Dan Lett writing for the *Free Press*, and others have commented on the fact that there's this veil of secrecy when it comes to Elections Manitoba investigations and how they're handled and how they're disposed of at the end of the day.

So this amendment is designed to lift the veil of secrecy to allow Manitobans to have a clear view as to what was investigated, who was investigated, what the outcome was and what the reasons were for the decision to either proceed with charges, or to drop charges, or to not proceed with charges at all. This is something that Manitobans are calling for. It is something that's appropriate. It's something that will enhance public respect for the electoral process. It will strengthen public confidence in Elections Manitoba as the body that is charged with being the referee in the conduct of elections in Manitoba, and we'll ensure that we don't have a repeat of the situation where communications are issued that something is being dropped without any further explanation. So we know that Manitobans want to be confident in what happens. We know that Elections Manitoba administers elections well. We certainly, though, have some worries and concerns about the way in which certain investigations are carried out and the basis for some of the decisions that are made.

So I want to thank those who spoke out at committee in favour of this change. It was a multi-party consensus on this point. Certainly Progressive Conservatives believe in openness and accountability, and I was pleased to see the Liberal members in favour of openness and accountability. We were disappointed at the opposition coming from

members of the NDP when it comes to openness and accountability and this, perhaps, is one of those things that happens after nine years in government, Madam Acting Speaker. It is one of those things that perhaps happens when a government—a party—believes it has a divine right to rule, and that its decisions and actions shouldn't be subject to scrutiny or question, that it doesn't have to play by the same rules as everybody else because they're above the rules, and that they have the right to try to exercise their influence over bodies that need to be independent in ways that may be inappropriate.

So we were disappointed that they were opposed at committee, but have every confidence that, with the benefit of several months to sleep on it, the benefit of a summer break and some opportunity to perhaps regain their footing, to come down to earth and start to view themselves as the mere mortals that they are, that perhaps members opposite will revisit this decision, take into consideration—and I know that they find this hard to believe, and every party that spends time in government believes that they will be there forever. I know that that is a mindset that can set in. They believe that they'll be there forever in government, that they can't be defeated and shouldn't be defeated, and that righteousness, obviously, is something that will be put to the test in a couple of years from now.

But they should take the time to study history carefully to know that no party has lasted forever in power. They may very well find themselves in a position in opposition at some point down the road looking at these laws and rules and asking how it was that they could have become so arrogant as to think that they would be above the law, that they would be opposed to disclosure and accountability, that they would be against open, fair and highly thorough investigations disclosed publicly.

* (15:40)

They may one day look back and wonder how they could have been opposed to these very high principles. They may even want to look back to earlier years, the idealism of the years that they may have had before getting into government, and ask themselves whether this is something, the position they're adopting today is something that they would have adopted in earlier years.

I know the Member for Thompson (Mr. Ashton) was Senior Stick at one time for the University of Manitoba students' union, was a young idealistic

student leader—UMSU president, UMSU president, I want to correct that.

The Member for Thompson has corrected me. He was UMSU president and in that I know shares a great deal with the current member of Parliament for Charleswood-St. James-Assiniboia, but I know in those idealistic days of student activism that he would have stood up and said that investigations should be open and public. He would have supported the idea that if an infraction occurred to the election laws, people would be held to account for that and he would have supported fair and open elections.

I know he would have been appalled by the thought that a Premier's chief of staff would offer a position to somebody in exchange for dropping out of an election, and he would want it investigated and if it wasn't brought to a conclusion, that he would want the reasons for that investigation to be made public. These are positions he would have adopted when he was running for student president of UMSU.

I know the Member for Minto (Mr. Swan) in his earlier days as a young activist would have believed in these principles. In his earlier days as a student activist I know that the Member for Minto—*[interjection]* The Member for Minto is hollering about the 1990s from his seat and I know that they're stuck not just in the last decade or the last century, Madam Acting Speaker, but the last millennium is where they are focussing all their time and energy. I know they believe in—or did, I know they did believe in open and fair elections—*[interjection]*

I hear the Member for Thompson talk about the 1999 election, and I know the Member for Thompson wasn't one of the 13 NDP MLAs that filed false election returns in 1999. Maybe he's, perhaps, being so vociferous from his seat because he knows that it's only 13 of the former party candidates that are going to be held accountable for this, including four current members of Cabinet: the Minister of Finance (Mr. Selinger), the current Minister of Labour (Ms. Allan), the Minister of Northern and Aboriginal Affairs (Mr. Lathlin) and the member—I forget who the fourth member was involved—oh, the Member for St. James (Ms. Korzeniowski).

I know that those four members are not going to be making comments about the 1999 election campaign because obviously that will be something that would be deeply sensitive as they go back and look at those falsely filed returns and discover the

rebates that were triggered, even as their leader, who was apparently orchestrating this with his senior campaign staff, even as he was charging other parties with misdeeds, that he would be overseeing this scheme, that the Minister of Finance had the presence of mind to get a get-out-of-jail free letter from the Premier's campaign manager.

Only the Minister of Finance had the presence of mind and the political instincts to ask for that letter. I think it's unfortunate that the other three weren't provided with the same courtesy by the Premier's staff, but in any event, that promises to be a very interesting part of the debate as we go into the next election campaign.

So I know members will want to take this opportunity to reclaim some of the idealism of their earlier years, to do what's right and to support an amendment that would provide openness, transparency and confidence to Manitobans in terms of the conduct of investigations into allegations of wrongdoing in the course of election campaigns, and they are allegations. We simply want to be sure that the way they're investigated and disposed of is made public so that all Manitobans can be confident in the administration of elections in our province.

So I look forward to the support of members opposite on this amendment, and I thank all members who express their support for it today. Thank you.

Mr. Rick Borotsik (Brandon West): I would, first of all, like to open my comments by thanking the Member for Fort Whyte (Mr. McFadyen) for bringing forward an amendment that speaks to the heart of why we're here, why we decided, in our own minds, for what reasons we wanted to run for politics, to run for elected office and to represent the people that put us in this Chamber, the people who demand that we work on their behalf, that demand that we do so with the utmost of responsibility, that we respect all members in this House, and that we certainly do so with the understanding that we're doing it for the betterment of the province of Manitoba.

I can honestly say, in all of my experience in politics, that the majority—not all—but the majority of sitting members, regardless of what House, sit for the right reasons. They honestly believe in their hearts and their souls and their minds that they want to do what they're doing for their constituents, for their communities, for their province, and for their country, and that's true. The majority, and I say majority because always in any profession, in any

career path, in any organization, there are always those perhaps that don't follow all of the rules simply because they wish to get advantage by breaking those rules.

But I have to repeat myself. The majority—and I include all of those members across this House on the government side, the majority of their members, and certainly all of our members—are here for the right reason, for the absolute right reason. I don't have to tell members in this Chamber that politicians perhaps aren't seen in the most favourable light.

An Honourable Member: No.

Mr. Borotsik: I hate to break this news to the Member for Steinbach (Mr. Goertzen), but, in fact, if you look at the recent surveys that have been done, politicians rank somewhere just below, I believe, used car salesmen, and lawyers, I think, are probably around there, too.

Some Honourable Members: Oh, oh.

Mr. Borotsik: Well, the point I'm trying to make, and obviously the point that I'm making has touched a nerve because quite frankly politicians do not have a stellar reputation. The reason for that, the blame for that, lies at our feet. This amendment will help correct some of those misconceptions, and I call them misconceptions because it's not true. I would trust most every politician that I have had experience in dealing with, certainly to the utmost. So let's change that misconception. Let's allow Elections Manitoba to honestly, openly and transparently investigate any allegations of any elections wrongdoing. That is the right step in the right direction.

An Honourable Member: Allegations.

Mr. Borotsik: Allegations. If there are those allegations, if there are, then let's allow Elections Manitoba to investigate them and report on them. That's called open, honest transparency. The public demands it. They demand that we deal with honesty on a regular basis and that's something that they should demand. We shouldn't be here if we're not prepared to deal in an open, honest and transparent fashion, and that's everybody. That's the ministers of the Crown, that's the back-bench NDP, and that's the opposition.

We have to walk the walk; we have to talk the talk. The only way we can do that is to allow this

amendment to go forward, to allow this amendment to pass so that now Elections Manitoba will be, shall, shall, must be made to divulge, not only the investigation, who they're investigating, why it's being investigated and what the final resolution of that investigation is. Not to accept this amendment is to say we're prepared to continue with the way it is currently. We're prepared to allow our citizens of this province to continue to say that politicians are not worth sitting in this House, and that's wrong. I feel badly about that.

When people tell me that all politicians are crooked, I can assure you I do not take that lying down. I tell them that's not true; all politicians are not crooked. All politicians, in my opinion, are very honest, industrious, reasonable individuals, there for the right reason. Let's stick up for ourselves, ladies and gentlemen. Let's not—that suggestion that all politicians aren't upstanding citizens of this community—because we are. We are, and we're here, and I know that the Minister of Infrastructure and Transportation (Mr. Lemieux) is here for the right reason. He might not do his job well, but he is here for the right reason. I know that. I know he's here because he wants to represent his constituents. I know that he wants to do what's best for my bridge in Brandon, Manitoba. I know he wants that bridge open next year, not three years from now. I know he's going to work his hardest to do that but I want to make sure when he runs in an election, he does it according to the rules. That he does it honestly, open, up front, transparent and that he should not ever be accused of doing anything else. If he is, I want to know about it because he's ruining my reputation by doing that.

* (15:50)

So, Madam Acting Speaker, I am so happy that the Member for Fort Whyte (Mr. McFadyen) has put forward this amendment. I would be very disappointed, extremely disappointed if the members across did not support this amendment to at least show Manitobans that in fact we do have integrity as politicians; that we are here for the right reasons. Thank you.

Mr. Kevin Lamoureux (Inkster): I, too, want to put a few words on the record in regard to this particular amendment. I do find it very interesting in the sense that here we have an amendment that will make our laws that much more transparent at the end of the day. What we want to be able to see is that justice is served. I believe that it would be best served, in the

case of this particular amendment, by having it passed through the Legislature.

Here's what my fear is. My fear is that the opposition is bringing forward a number of amendments. In most part, the government doesn't necessarily even take the time to really understand what the amendment is all about. They take a standard line of, well, an opposition amendment, you vote against the opposition amendments.

Periodically, you will see some amendments that might have an opportunity to pass. I would suggest to you that this is one of those amendments that should pass. If it doesn't pass, one has to wonder, well, why not? Why would the government not support an amendment of this nature?

Madam Acting Speaker, I would suggest that we have an Election Advisory Committee that feeds into Elections Manitoba. We have an Elections Finances Advisory Committee that feeds information into Elections Manitoba that if this amendment does not pass, I would hope and trust—and I do believe that Elections Manitoba reads the *Hansard* in regard to this particular bill, and I hope the amendments also—will take note that we've had at least two political parties argue that this is the type of amendment that would make our system that much better.

I think far too often we take our democracy for granted. This amendment can make a significant difference.

I want to be able to give an example that was referred to by the Leader of the Official Opposition (Mr. McFadyen). I had the opportunity to raise an issue from individuals who were very strong, diehard New Democrats that brought an issue indirectly—that was brought to my attention, and then I brought the issue to the Legislature. At the end of the day, if you were to cite exactly what it is that I brought to this Chamber—and what I brought here were actually quotes and concerns that were being raised from within the New Democratic Party. That's where it originates from, individuals that were concerned within the New Democratic Party, and I brought the issues to the floor here, Madam Acting Speaker.

To this very day, the Premier (Mr. Doer) has never said that he is convinced that there was absolutely no wrongdoing. He has never said that. I have to this date never received anything in writing or a phone call from anyone that has indicated that the individual in question had done nothing wrong. Not one. Nothing. Zero.

I understand there was an NDP press release that went out, suggesting that I should resign. If the NDP really believed that their press releases have that much influence, I would suggest to you that they need to rethink, because every time they hit a problem, a problem just doesn't disappear when they issue a press release.

If the government is so keen on trying to be clean and to demonstrate to Manitobans that they have nothing to hide, why would they not support the amendment that's being proposed, Madam Acting Speaker? Why won't they do that? The Member for Burrows (Mr. Martindale) is hung up on the word. Well, let me tell you—[*interjection*]-the word. He's hung up on my words.

Well, let me tell the Member for Burrows—and I've put this challenge out to other members all right, and I'm very confident in terms of what it is that I speak. I've challenged the Premier to come out to his own constituency. I've invited any member of the NDP to come out and debate the issue.

Why doesn't the Member for Burrows or any other member—and I'll put the challenge again—any member of the New Democratic caucus that has the courage to be able to face the issue in a public forum with me and see what happens—the Member for Minto (Mr. Swan) says it's a public forum here. Yes, it's a public forum, but I would like to see them take it outside the Chamber.

You know what it is, Madam Acting Speaker? It's much like when you had Jack Layton, brave Jack Layton sitting in a room, saying, no, don't let the Green Party speak at the leadership debate. No, I refuse. No way. She doesn't classify. She's not a party, a real party. That's Jack Layton's stand, yet Jack Layton will let the separatists participate in a leadership debate, no problem, but he wouldn't allow the Green Party to participate. Then what happened? Out of the closed back room, it becomes public and then when they found out that they were out of touch with the public, what happened? Whacky Jack took a flip-flop. He now says, because he realizes that was he was so far out of tune with the public, he took the flip-flop.

Madam Acting Speaker, I believe that if we took this amendment to the public and I presented the facts as I know them to be—and that has been told to me by New Democratic Party members—the public would support what it is that I'm talking about and the need to see this type of an amendment brought

forward. I chose to speak because I have it in legislation also, a private member's bill, trying to ensure more accountability in terms of what it is that the commission is investigating on.

The sad thing is no matter how many times I stand up and I give this speech and how much I challenge the New Democrats, not one of them, Madam Acting Speaker, not one of them will take me up on the challenge. You know why? The Member for Transcona (Mr. Reid) raises his hands. I would welcome it really and truly. Any one of them, where we would go to a public forum where there are members of the public participating, and I guarantee—well, I shouldn't say I guarantee—I would be shocked to see one of the 35—or actually I should say 34—*[interjection]*—no, 34—*[interjection]*—no, the Speaker is neutral. I wouldn't compromise the Speaker, right—*[interjection]*—no, Jim Maloway resigned. He's no longer here.

The Acting Speaker (Ms. Brick): Order.

* (16:00)

Mr. Lamoureux: They don't quite understand the numbers in the Chamber. The point is any one of the 34, any one of them can come forward. We'll debate the issue and then see what takes place—*[interjection]*—someone is suggesting that all of them can come. I wouldn't discourage that, Madam Acting Speaker, because then they're guaranteed to at least have some support inside the hall.

But I suspect that they wouldn't do it, Madam Acting Speaker, for the same reason why, chances are, they won't support this amendment, and that is that they're scared to, because they're scared of the truth and they realize that, if the truth got out, that Manitobans would be disappointed that the government didn't act on some of the things and some of the allegations that have been levelled. Government needs to be aware of those. I was surprised when the Deputy Premier, (Ms. Wowchuk) when the Leader of the Official Opposition (Mr. McFadyen) was talking about him, the Deputy Premier kind of looked in amazement. What are you talking about, is what she's thinking, or in her facial expression, and what she said, what are you referring to? I can't remember exactly how she put it, but the government needs to realize what actually did take place.

It's not the only area. Remember the code of ethics was brought in, and the current Premier

supported the code of ethics, but all Elections Manitoba will say now about the code of ethics is it's not up to them to enforce it; that it's up to each political party. Yet, the Monnin report said that that's not good enough. If the parties don't enforce it, then they have to bring in legislation to make it enforceable. The Premier (Mr. Doer) should be bringing in the legislation that's necessary. In the interim, let's pass this particular amendment.

Thank you Madam Acting Speaker.

The Acting Speaker (Ms. Brick): Prior to recognizing the next member, I just wanted to remind all members that members of the Legislative Assembly, the House of Commons are all honourable members.

Hon. Andrew Swan (Minister of Competitiveness, Training and Trade): I move, seconded by the Member for Radisson (Mr. Jha), that debate be adjourned.

Motion agreed to.

Mr. Kelvin Goertzen (Steinbach): I'm asking leave of the House if we can proceed to the amendment under my name. I understand that the Leader of the Official Opposition (Mr. McFadyen) had to attend to some specific duties.

The Acting Speaker (Ms. Brick): Just for the information of all members, could you say which amendment that is, if you don't mind?

Mr. Goertzen: I only have one amendment under my name, Madam Acting Speaker. It's not numbered.

The Acting Speaker (Ms. Brick): Is it agreed by all members of the House that we would move to the amendment under the name for the Member for Steinbach? *[Agreed]*

Mr. Goertzen: I appreciate that leave. I also want to, just for clarity of the House, assure the Member for Fort Whyte (Mr. McFadyen) that we can revert back to his amendment when we proceed with further debate on this bill.

The Acting Speaker (Ms. Brick): Is it agreed by all members of the House that we will debate the amendment put forward by the Member for Steinbach, with the understanding that, when the Official Opposition Leader returns, we will then put forward the debate on the amendment that he has? *[Agreed]*

Mr. Goertzen: I move, seconded by the Member for River East (Mrs. Mitchelson),

THAT Bill 37 be amended by replacing Clause 11 of Schedule C, as amended at Committee, with the following:

11 Sections 54.1 and 54.2 are repealed.

The Acting Speaker (Ms. Brick): It has been moved by the honourable Member for Steinbach and seconded by the—

An Honourable Member: Dispense.

The Acting Speaker (Ms. Brick): Dispense.

Mr. Goertzen: I appreciate the indulgence of members of the House for granting leave and also the help of the Clerk for helping me paddle through somewhat murky legislative procedure rules at times. This particular amendment would repeal the provisions that limit the amount of advertising dollars that political parties and individual candidates can expend in a fixed election year. Certainly, there are a lot of reasons, both legal and in terms of equity and fairness, that we believe this motion or this amendment makes sense and the one that I believe that members opposite, perhaps after having a summer of reflection, would agree with.

There was quite a bit of debate on Bill 37 at committee regarding the general restrictions that the government was trying to put in on political parties and individual candidates to advertise in any given year. I think that all of the presenters that I heard over those lengthy debates certainly brought forward the notion that it wasn't fair that government, which has really almost unlimited resources, in particular when it comes to this government and is not concerned about spending taxpayers' dollars frivolously on government advertising, has almost unlimited resources to advertise for a variety of different things. One only needs to look at prior to the last election the amount of government advertising that went forward. Certainly, the one that probably comes to mind most quickly for members is the Spirited Energy. Now, in hindsight that may have done more to hurt the government than help the government but we know in fact—we know in fact that their intention—that their intention was to try to convince Manitobans that things were going well.

There were a number of other advertising campaigns, whether it was Manitoba means building or green focus advertising campaigns. They were really nothing more than an attempt to clutter the

airwaves with ads that would give the impression that things were going well in the province of Manitoba. Yet, despite having that ability as a government, the government felt it necessary to try to bring in amendments to limit the ability of an opposition to try to get their message out and to try to have some fairness and some balance when it comes to ensuring Manitobans see the true and the full picture of what's happening in the province of Manitoba.

We certainly believe that, had this been tested constitutionally, it would have failed the test that there is an ability, through freedom of speech and a number of different provisions within our Constitution and Charter of Rights and Freedoms, to challenge this particular provision, that it simply wouldn't stand up that a government could restrict so significantly the ability of a political party to bring forward a message to those who it's looking to try to get attention from at an election time or in between elections, that all individuals have the right to hear what's happening in their Legislature and happening in the province of Manitoba, and it fit the pattern of what was going on in Bill 37.

We knew that there was a provision in the original bill as it was drafted that would have made MLAs vet their particular constituency communications with the government, that the government would have had a committee, and each of us as individual MLAs would have had to bring, hat in hand, our brochures and our pamphlets to the government and say: Please, sir, can we send out this particular communication to our constituents? That would, of course, not only have limited our ability as MLAs to bring forward concerns to the people who sent us here to represent them, but it would also have been a blow to democracy more generally, Madam Acting Speaker.

Through the many, the hundreds of people who came to make presentations at the committee, clearly, the government saw that what they were trying to do, while it may have tried to suit their political purposes, was far too draconian in terms of what legislation should be when it comes to democratic reform. I appreciate the hundreds of Manitobans who came to committee to express their concerns with Bill 37 and some of the anti-democratic principles that were contained within it. Many of these Manitobans came in the dark of night, had to fight through heavy doors, doors that had closed signs on it because the government had posted a closed sign on the door, weren't sure when they

were going to be able to present, had to take time away from family, didn't know at what time of the night they would be up to make a presentation, and yet they persevered. They persevered because they knew that what they were coming to present on was so fundamental to the democratic system that they had to be there, that their voices had to be heard less their voices be silenced by a bill that would have taken away the opportunity for us, as MLAs, to communicate with our constituents.

* (16:10)

In a similar vein, the restrictions that were put in place on the ability for parties and candidates to advertise in between elections, would have had those same sort of restrictions. The government would have continued on with their advertising in trying to convince Manitobans that things were going well, and trying to hide the problems in the province, and political parties, all political parties wouldn't have been able to get their message across.

So we believe that this would have been constitutionally wrong. I think that there were, certainly, some in the province who were willing to go forward and to test the legislation. The government recognized, I think, how wrong they were and they withdrew some of those restrictions. In between the election period, they withdrew the restrictions, but they continued to keep the cap on during the fixed election year, and that's sort of a mixed message, Madam Acting Speaker. One hand, they realized that what they were doing was unconstitutional and yet, they want to still be, sort of, unconstitutional. Things are either right or they're wrong. They're not sort of half right or half wrong. This is a situation where the government is a little too cute by half by trying to keep those restrictions in place during the fixed election year to give themselves the advantage during an election.

It's also incredibly short-sighted, I would say. All of us, as members, have to realize that none of us have an inherent right, not only to be elected here in the Legislature, but no individual party has an inherent right to govern forever. And the rules that we create here today, whether it's regarding elections or other rules, are rules that all of us, and other members in the future who will come will have to live under, perhaps, in different positions in the Legislature and holding different seats.

So, both from a legal perspective and from a fairness perspective, Madam Acting Speaker, this is

a provision that is simply wrong. My hope is that during the summer, the government and the Premier (Mr. Doer), who, I'm sure, was the architect of this legislation, has recognized that he's going to simply embarrass himself by putting forward a provision that Manitobans will see on the face of it is wrong from a democratic perspective and also will be proven to be wrong from a legal perspective.

So this amendment, I think, is something that the government should embrace. It will save them future embarrassment. It will save them the derision of Manitobans who know that equity and fairness need to be in place when it comes to elections. After all, if you really believe that what you're doing is right, if you really believe in the policies and your record, you shouldn't be afraid. You shouldn't be afraid to have that open debate and to have the opposition bring forward what they believe to be counter facts, counter to what you're putting forward in an election.

I think, perhaps, it speaks to the fact that the government doesn't fully believe in what they've done in their nine years in government, that they have some things to hide that they don't want Manitobans to hear the whole truth because it might not be viewed well if a strong light was shined upon it.

I know that my time has run out, Madam Acting Speaker, when it comes to this amendment, but I look forward to support from all members of the House in seeing it pass for the benefit of making this bill better than it was when it was introduced.

The Acting Speaker (Ms. Brick): I'm looking, I guess, for someone to adjourn debate on this.

Mr. Ashton: Yes, I move, seconded by the Minister of Finance (Mr. Selinger), that debate be adjourned.

The Acting Speaker (Ms. Brick): As per previous agreement, we had discussed that we would adjourn debate on this amendment, as put forward, and move the debate forward on the next amendment that is put forward by the Leader of the Official Opposition. I'm not sure if that's what we're looking to do, though.

The Leader of the Official Opposition, on the debate on the motion on the amendment we are currently debating, as put forward by the Member for Steinbach (Mr. Goertzen).

Mr. McFadyen: Madam Acting Speaker, I just want to put a few words on the record in support of the amendment proposed by the Member for Steinbach.

The amendment really seeks to ensure that all political parties have an opportunity to explain to Manitobans their positions on the issues, offer their constructive criticism of opposing parties and to ensure that they're not limited unreasonably in terms of their ability to communicate with Manitobans. Perhaps more importantly, it really goes to the issue of Manitobans' right to know what's going on in government and what positions political parties and candidates are taking going into an election campaign.

The logic of it is that, if we don't have restrictions on party communications in non-election years, it stands to reason that we wouldn't maintain restrictions in election years, leading up to an election campaign. We certainly know that communications during a campaign, during those final days leading up to a vote, are a legitimate part of The Elections Act and the regulatory regime that we all operate within, that we certainly have limits on what can be contributed to a party and limits on what parties can spend in their effort to sway voters. That is an attempt to provide a level playing field and some degree of transparency around where the money is coming from and how it ultimately gets spent in the course of a campaign.

But the logic of having those rules in place during an election period and the number of days leading up to the campaign simply doesn't apply outside of the election period and that includes in the year of the election. So, to have the situation where parties are free to communicate as they should be in non-election years and then suddenly find themselves in a position of going silent virtually in the election year itself really seems to run counter to common sense. It runs counter to the idea that there should be free expression on political issues and counter to the idea that Manitobans should have a right to know what political candidates and parties have to say, their positions and the information they want to advance in an election campaign.

If the Constitution protects political speech and the right on the part of Manitobans and Canadians to know, outside of election years, we would think that it's arguable that that right to know becomes even more important in an election year when they have to make that big decision that they're confronted with every four years or so, which is who to vote for in the election campaign.

So I support the amendment put forward by the Member for Steinbach. It is consistent with amendments already accepted by the government at committee and I would encourage all members to support this common sense amendment to ensure that Manitobans can be fully engaged in the political process and make a well-informed decision at election time.

We know that the NDP with nine years in power certainly want to restrict the amount of information flowing to Manitobans. The fact is that, if we had their record, we might be similarly tempted, but that's not a good enough reason to leave these restrictions in place, Madam Acting Speaker. So I encourage members to support the amendment. Thank you.

The Acting Speaker (Ms. Brick): Thank you. Question?

Mr. Ashton: Yes, I move, seconded by the Minister of Finance (Mr. Selinger), that debate be adjourned.

Motion agreed to.

* (16:20)

Mr. McFadyen: Madam Acting Speaker, I move, seconded by the Member for Lac du Bonnet (Mr. Hawranik),

THAT Bill 37 be amended by replacing Clause 12 of Schedule C with the following:

12 Subsection 56(1) is amended

(a) by replacing everything before clause (a) with the following:

Government advertising and publications in general election

56(1) No government department or Crown agency shall publish or advertise any information about its programs or activities in the last 90 days before polling day, and on polling day, in the case of a fixed date election, or during the election period for any other general election, unless the publication or advertisement

(b) by adding "or" at the end of clause (a), striking out "or" at the end of clause (b) and repealing clause (c).

The Acting Speaker (Ms. Brick): It has been moved, by leave, by the—

An Honourable Member: Dispense.

The Acting Speaker (Ms. Brick): Dispense.

Mr. McFadyen: The purpose of this amendment is to expand on the proposed amendment to The Elections Finances Act within Bill 37, that there be restrictions on government advertising and Crown corporation advertising in the lead up to election campaigns.

The proposal advanced by the government is to put that limitation in place for only 60 days prior to voting day. What this will do, in effect, in the case of a 28-day election is result in restrictions applying only 32 days in advance of the start of the election. In the case of an election campaign of 35 days, it would result in those restrictions coming into place only 25 days before the start of the campaign.

Our view—and we saw this exemplified in the last campaign where government advertising was actually taking place on the first day of the election campaign—is that we need to have a nice, clear period in advance of the start of an election campaign where tax dollars are not being used by the government, which has the advantage of controlling the provincial budget and allocating resources toward communications of a partisan and political nature, using that to give themselves an advantage going into the campaign, a taxpayer-funded advantage that is not justifiable going into an election campaign.

Now, this is something that we all as members of this House know is important, and we've seen it taken to an absolutely unbelievable extent by the current government when you see ads running, talking about job creation in Manitoba as a guise for running workplace, health and safety ads and the whole range of other propaganda puff pieces of advertising that provided little or no practical information to Manitobans, but all kinds of government spin at their expense.

This is something that just doesn't sit well with regular Manitobans who are paying taxes to the government to provide them with services and useful information and not to attempt to foist on them political advertising, particularly in the lead up to an election campaign. So this extends that cooling-off

period from 60 to 90 days before voting day. It just ensures that there isn't abuse of public funds, which every government is tempted to do in the lead up to an election campaign.

It allows the government, given that we have now set dates for elections, to properly plan their communications campaign so that we don't have a repeat of *The Gong Show* incompetence that we saw going into the campaign last June, of government advertising still running even after the election has been called. It provides for clear rules. There'll be no allowance or excuses if advertising continues to run, given that we know the date of the election under the act, and it just ensures that we've got clarity.

Other jurisdictions have adopted similar provisions. Ontario, by a private member's bill, brought in these sorts of restrictions. I know the Member for Charleswood (Mrs. Driedger) has advanced this issue as has the Member for Lakeside (Mr. Eichler) and other members of this Chamber. The former Member for Ste. Rose was one person who worked very diligently, Mr. Cummings, to advance some changes along these lines to ensure fairness in the electoral process and reasonableness in terms of how tax dollars are used leading into an election campaign.

We certainly don't object to governments providing information to Manitobans through advertising and Web sites and similar information. We think that there is practical information about Telehealth and other programs that would provide good services to Manitobans, practical information about how to apply for programs, for example, and other areas where people may need help from their government.

Certainly, every effort should be made to provide people with that sort of practical information, but to simply run ads that tout the government's record, full of rhetoric and full of political spin leading up to an election campaign is not something that can be justified. It's not something that Manitobans feel good about and is not something that should be permitted under our law.

So the amendment proposed extends that blackout period from 60 to 90 days, provides clarity in terms of when it comes into effect. It eliminates one of the exceptions because we acknowledge that there will be the need for some government communications even in the 90 days before election day. There may be a need to communicate with

respect to an emergency. There may be a need to communicate with Manitobans with respect to programs that may be in place. We certainly don't want to tie the government's hands when it comes to legitimate, practical, important useful information that can benefit Manitobans, but we do want to restrict their ability to use advertising as a way of taking tax dollars and providing the governing party with an unfair communications advantage going into an election campaign. We don't know and we aren't convinced that those campaigns are particularly effective, but we do know they don't sit well with Manitobans when they see them. We think all members will want to be on the side of hardworking, taxpaying Manitobans by supporting this amendment to black out election-style advertising at the expense of taxpayers in the 90 days prior to a campaign to limit the number of exceptions to that blackout rule, and that is siding with Manitobans.

I know that all members of the Legislature who are on the side of hardworking taxpayers will support the amendment, and those who are on the side of taxpayer-funded propaganda will vote against it. So I'd encourage all members to side with taxpayers and vote in favour of this amendment. Thank you.

Mr. Ashton: I move, seconded by the Minister of Finance (Mr. Selinger), that debate be adjourned.

Motion agreed to.

Mr. Lamoureux: I would move, seconded by the Member for River Heights (Mr. Gerrard),

THAT Bill 37 be amended in Clause 6 of Schedule B

(a) in the proposed clause 49.1(2)(a),

(i) by striking out "Tuesday, June 14, 2011" and substituting "Tuesday, October 18, 2011", and

(ii) by striking out "June 13, 2011" and substituting "October 17, 2011"; and

(b) in the proposed clause 49.1(2)(b), by striking out "second Tuesday in June" and substituting "third Tuesday in October".

The Acting Speaker (Ms. Brick): It has been moved by the honourable Member for Inkster and seconded by the honourable Member for River Heights,

THAT Bill—

An Honourable Member: Dispense.

The Acting Speaker (Ms. Brick): Dispense.

Mr. Lamoureux: Madam Acting Speaker, I'm hopeful that the government will give serious consideration to this amendment.

* (16:30)

You know, it was back in the summer of 2005, as many people would have been enjoying that particular summer, I had taken on a role of heading a task force of sorts, in going out to rural Manitoba and getting a sense in terms of what people were thinking and had to say about election reforms, democratic reforms and so forth, not only rural Manitoba, obviously, but the city of Winnipeg also.

Mr. Speaker in the Chair

Out of those discussions, I would have met and consulted with literally hundreds of Manitobans, and I can tell you that there were a few things that came out time and time again that people would say would make democracy in the province of Manitoba even that much more better in terms of functionality.

One of the biggest themes was the idea of a fixed election date. It didn't matter where I went. A vast majority of Manitobans—and when I say vast, I would estimate probably somewhere in the 90s, give or take two or three points—supported Manitoba going towards fixed dates. Other jurisdictions in Canada have already moved towards fixed dates. When it came time for me to present a report, that was the first recommendation I had listed, to have set dates for elections, and that would have been done back in 2005. So when the government came out with a press release indicating that Manitoba was going to have fixed election dates, I was actually quite excited about the fact that Manitoba is moving in that direction. I went into the reading in getting a better understanding of what it is the government was proposing, and for now I'm just going to focus on the fixed election dates as opposed to anything else with regards to Bill 37, so just focussing in on that aspect of the legislation, I was pleased. I thought the government was moving in the right direction.

Through all of these discussions in the summer of 2005, not only did people support the need for fixed election dates, one other thing came out in regard to fixed election dates and that was that the best time to have the election would, in fact, be in October. There were a number of reasons why people would raise October as the time of the year to

have them, and I just wanted to highlight two or three of the ones that really stick out in my mind.

One of the primary reasons was the issue of students. If you wanted young people to participate, I was approached by a number of people of all ages indicating that it should be in October because it's in the best interest of getting young people involved in the political process. Then, if you look at what this particular legislation is proposing to do, it's to have the fixed election in June. Well, in June many of the young people, university students and so forth, will go on holidays, have other things that they're going to be doing. When we're in that summer mode or in that month of June, it's very difficult for a great number of young people to really get focussed on an election.

The argument that was being made then was that by having it in fall when people and students are registering and they're starting to get involved in clubs and so forth, you have a higher rate of participation of young people in the election process. So I had at least bought that aspect of the argument, that more young people would be involved if we had the election in the fall time, and I truly do believe that. It was reinforced when we were in public meetings on Bill 37 where we had young people that came forward and reinforced the fact that, yes, you know, if we're going to have fixed election dates, the fall time would be a better time to have them.

Then I would suggest to you, Mr. Speaker, in terms of fall time would be that, currently, we have municipal elections in fall. There were a lot of arguments, no doubt, that were raised at the time of setting fixed dates for municipal elections, and the consensus that was built that they should occur in the fall time.

I can't imagine because it was many, many years ago when that decision was ultimately made but it has worked out quite well for city elections and municipal elections where, even though we would love to see more of a voter turnout, but it seems that the public in dealing with municipal elections are quite content and happy with the fact that the election is in the fall time.

If we want to look at whether it's the municipal election, and now with the federal government being committed to having fixed election dates and the date that they have chosen, again, is in the fall time. I suspect it's because of the convenience and—many wonderful arguments. If you look across, there's a

number of provinces and I believe it could be as high as six or seven provinces now that are into fixed election dates and all but one, I believe, is now in the fall time. I suspect that there is a very strong feeling that, if you want participation, the fall time is the best time to have elections.

If you take a look at the American elections south of us you will see that it is also in the fall time. I believe that these jurisdictions, whether it's the U.S. or the other provinces or the federal government, they're choosing the fall because that's when they ultimately believe it is best.

Further, when we were in committee with Elections Manitoba, and I don't want to put words in their mouth, members can read exactly what it is that they had said, but it seemed to me that if they were putting weight on spring versus fall, it seemed that the weight was heading in favour of the fall. Whether it's the committee meetings, whether it's other levels of government or to a certain degree but a lesser extent, Elections Manitoba, I believe that the overriding opinion is that the fall time would be the better time to go.

In the legislation it talks about the floods, and I will talk about the flood situation in my next amendment which would be following this amendment, Mr. Speaker, but, in conclusion, I'd like to say I recognize the Premier (Mr. Doer) has put himself into a position with the June call for 2011. I believe that it would be very good of the Premier to recognize what I believe Manitobans would want to see and what's in the best interests of Manitobans, and have the next set date in the fall of 2011, not in June. I would applaud the Premier if he would take that action.

I realize I've run out of time, Mr. Speaker, but I'll continue on my comments when I introduce my next amendment. Thank you.

Mr. Ashton: I move, seconded by the Minister of Finance (Mr. Selinger), that debate be adjourned.

Motion agreed to.

Mr. Lamoureux: Yes, Mr. Speaker, I would move, seconded by the Member for River Heights,

THAT Bill 37 be amended by striking out Clause 8 of Schedule B.

Mr. Speaker: It's been moved by the honourable Member for Inkster, seconded by the honourable Member for River Heights (Mr. Gerrard),

THAT Bill 37—dispense?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

* (16:40)

Mr. Lamoureux: Mr. Speaker, I indicated that there were three reasons why we needed to be able to move the fixed date to fall: The first one in terms of just young people and getting our youth involved, the whole calendar year, summer vacations and things of that nature. The second was in terms of what other jurisdictions are doing, whether it's municipal, federal or even down stateside, that they tend to gravitate towards the fall time as the best time to have elections. The third issue was one that this particular amendment really deals with, and that is, on occasion, in Manitoba, we have Mother Nature which plays a role in potential election calls, and this legislation recognizes that. That's before us. What it does is it's saying that the government does have the ability to postpone an election until the fall time if in fact there is a flood of significance here in the province of Manitoba, and I think that's a valid point. I think that we need to take a look at that particular issue, and that's the reason why the amendment is here. If the first amendment passes, then there would be a need to pass this particular amendment. I would suggest to you that we would be showing sensitivity to the issue.

If we recall, we had the one major flood, I think it was in '97, and in '97 there was also a federal election, and the impact that that had where Manitoba, because it was a national election, the election still went ahead and so forth. The reason I mention it is because there was this flood, and it did have an impact, and there were a lot of people that were quite upset with the fact that the decision was to still continue on with the election. This amendment takes out the need for that flood caution because, if the election was in the fall time, then we wouldn't have to worry about a flood, at least in most part. There are some cases, this year, there are some issues in the Interlake and so forth, but once you get into October, to the best of my knowledge I don't think it has been a problem, nor has even the current legislation recognized the potential problem of that nature.

I suspect that it would even alleviate the flood concern. In addition to that, Mr. Speaker, what I would suggest to you is that there are other issues that should be brought up, issues such as what our

farmers are doing in the spring, late spring because of the flood, when they're working the lands and so forth. That can easily, at times, potentially start going well into the month of May, which would take them into the fields and doing all sorts of other things. So I think that there's another argument that could be made, from a farmer's perspective, that having the election in June is a not a positive thing.

Mr. Speaker, those were the three points, and I guess I'm taking both amendments into one, and now I would like to give my concluding remarks on both amendments.

I suspect that if the government, and if I take the Premier at his word, when we were in committee, the Premier had given the indication that he may be open to changing the date, that he is approaching it with an open mind. Mr. Speaker, I believe that the Premier is looking seriously at these two amendments, and I want to assure the Premier that in no way would I be critical of the Premier for making a good decision and accepting these amendments in favour of a fall or June. I say that because I know that there might be some that would be critical of the government by saying that you're going beyond the four years and you've promised that you would go four years. You said it was going to be this date. Well, to those that would be critical of the Premier for doing that, I think it would be unfortunate, because I believe that the Premier would be doing the right thing by having it go into the fall time as opposed to the spring. I, for one, would not participate in criticizing the Premier for making the decision to go in the fall of 2011. In fact, if the Premier accepts these amendments, it would be my intent to applaud his action and to support his efforts in terms of having that fixed date in fall.

There are other concerns that I have in regard to this bill, Bill 37. This is the only amendment that—two amendments that I was going to bring forward, even though there's a litany of amendments that I could have brought forward. I will address a number of other issues once we get on to the substance of the bill itself, Mr. Speaker, but for now I'm hoping that the government members will recognize the value of having a fixed fall election and see the merit in terms of supporting these two amendments.

I thank you for the opportunity to be able to table the two amendments, and I look forward to ultimately what the government's decision is going to be in terms of whether or not they will pass. Thank you, Mr. Speaker.

Mr. Ashton: I move, seconded by the Minister of Finance (Mr. Selinger), that debate be adjourned.

Motion agreed to.

Bill 38—The Balanced Budget, Fiscal Management and Taxpayer Accountability Act

Mr. Speaker: We'll deal now with the report stage amendments to Bill 37, the Lobbyists Registration Act and the Amendments to The Elections Act. No, we've already dealt with that.

We'll now deal with Bill 38, the report stage amendments to Bill 38, The Balanced Budget, Fiscal Management and Taxpayer Accountability Act. There are amendments to be moved by the honourable Member for Brandon West (Mr. Borotsik).

Mr. Rick Borotsik (Brandon West): Thank you, Mr. Speaker. The Clerk and I are just working on the order of this. I would ask the leave of the House to deal with the amendments in a different order than what I had filed them in the Clerk's department. We do have an order to work the amendments. If I could ask for leave please to change the order as to when I did file in the clerk's department.

Mr. Speaker: Is there leave in the House for the amendments to be changed in the rotation as they are presented on or as they are numbered on the paper? Is there agreement? *[Agreed]*

The honourable Member for Brandon West, with your first amendment.

Mr. Borotsik: Thank you, Mr. Speaker, and I do thank the House for leave to work on the amendments in the order as I have submitted to the Clerk's department now.

Moved by myself, seconded by the Member for Arthur-Virden (Mr. Maguire),

THAT Bill 38 be amended by replacing Clause 3(1) with the following:

Balance at end of fiscal year

3(1) For the purposes of this Act, the balance as at the end of a fiscal year is the net income or loss as shown in the audited summary financial statements for the government reporting entity for that fiscal year, subject to any adjustments to be made for that fiscal year under subsection (2) or (3).

As I said, moved by myself, Mr. Speaker, and seconded by the Member for Arthur-Virden.

* (16:50)

Mr. Speaker: It has been moved by the honourable Member for Brandon West, seconded by the honourable Member for Arthur-Virden,

THAT Bill 38 be—

Some Honourable Members: Dispense.

Mr. Speaker: Dispense.

Mr. Borotsik: This piece of legislation that has been tabled in this House is without question the most important piece of legislation that this government or this province is going to deal with in this term of this government, Mr. Speaker.

The suggestion of the legislation, Bill 38, is to completely change a political ideology from balanced budgets to that one of going back to deficit financing, Mr. Speaker. What this clause does is it takes out the requirement of Bill 38 to have a four-year rolling average—a balanced budget every four years—as opposed to the necessity to balance the core operating budget on an annual basis.

In 1995, the government of the day provided Manitobans with the best fiscal policy ever presented before in this province of Manitoba. It was a fiscal policy, one that dealt with spending within your means, Mr. Speaker, not borrowing money for the mortgaging of our children or our grandchildren, but developing the province based on what we generate as revenue we could use as expenditure. In 1995, the Filmon government brought through legislation that was accepted not only by this House, but accepted by Manitobans and, in fact, other provincial governments throughout this country who looked at the fiscal responsibility that was being put forward by the Progressive Conservative Party and government of the day.

Now, I should tell you, Mr. Speaker, that was a very fiscally responsible political ideology. It says that we must, we must, as individuals in this province look at the fiscal responsibility of our annual budgets. If at that time we didn't balance the budget, then there were consequences. The consequences were that ministers of the day would suffer a salary reduction. The consequences were that if we didn't balance that budget, we would have to go out and borrow money like this particular government does and have to pay back that money with exorbitant interest rates, at that time somewhere around 10 percent, and taking away the individual

flexibility of the Province of Manitoba to be able to operate its different departments and services.

Now, I should also tell you, Mr. Speaker, that in 1995 there was a clash of political ideologies. The Conservatives wanted fiscal responsibility. The NDP, then in opposition, stood in opposition to balanced budgets. In 1995, the NDP spoke against balanced budget legislation. In fact, there are a number of quotes that I can go through of the current Premier (Mr. Doer) of the day suggesting that fiscal responsibility and balanced budget legislation was like a fiscal straitjacket to the government. What they said was there was no need to be able to control spending. There was no need to be able to not spend more than what we had and go out and borrow more money. That's what the NDP thought, and that's what they think today, because they're putting in a piece of legislation now that takes balanced budget legislation away from the province of Manitoba and its citizens.

What the NDP at that day wanted was no balanced budgets. By the way, they had an epiphany because, going into the 1999 election, they discovered that, in fact, Manitobans really did like their governments to be responsible fiscally. People in Manitoba said, if we have to, in a household, curtail our spending if we don't have enough money, that's the way governments should operate, too. They shouldn't just spend because they can spend and borrow; they should have to be responsible. Households do it every day and every month and every year, Mr. Speaker. Households bring in income; they expend that money, and, at the end, it should balance. Hopefully, there's a surplus. Now, we would never ever suggest that this NDP government would even consider a surplus, but they should, in fact, consider a balanced budget. What you bring in is what you spend.

Now, they didn't want it in '95. We have that on record. We know that the NDP were totally opposed to balanced budget legislation. In 1999, the epiphany, they're going to the polls, Manitobans want it. Effectively they would say, well, we'll tell Manitobans what they want to hear. We don't believe in the policy but they want to hear it so we'll tell them and, Mr. Speaker, they got elected. It took nine years for them finally to realize their dream, the dream of getting rid of that fiscal straitjacket, opening up the floodgates to spend and borrow.

I guess a couple of questions have to be asked. Why now? The Finance Minister, whenever I ask him, takes great pride in standing in this House and

explaining to Manitobans that they have balanced the budget nine years in a row. Now, they've had a little bit of shell game along the way. There's been a little smoke and mirrors. There has been a one-time, \$200-some-odd million taken from Manitoba Hydro to balance. They've used the stabilization fund, on occasion, to balance the budget. They've borrowed, Mr. Speaker, substantial dollars to balance the budget but they have come up with an annual operating budget that they can show has been balanced on an annual basis.

The minister takes pride in that. He tells us constantly, nine years he's balanced the budget for Manitobans and I congratulate him for that. Make no mistake. I congratulate him for that. Good for the Minister of Finance (Mr. Selinger), but why now does he want to change the rules? If he's so good at what he does, if, in fact, the economy is as strong as he says it is, if, in fact, the equalization payments from the federal government are going to continue to flow into his coffers the way he believes they are, then why does he have to change the rules now? Why doesn't he stay with the current legislation and make sure that he continues to balance the way he always has?

Well, he has a convenient excuse. He says that the Auditor General, Deloitte & Touche, have said that the Province of Manitoba has to comply with GAAP. It's an accounting process, and he's right, and we're not going to argue with him. We are going to say, absolutely, Mr. Finance Minister, comply with GAAP. You can do that. What GAAP means is that it's a summary statement, ladies and gentlemen. What it means is you bring in the other Crown corporations, the other entities within the province of Manitoba. When you do a financial statement, when you do the sheet, the balance sheet, you are going to show all of those Crown corporations coming into the balance sheet, and we agree with that. Comply with GAAP. Bring them in on a summary sheet. Show the Crown corporations. Show it as a separate statement, but still balance an annual budget, dollars in, dollars out.

There is an excuse and it is totally an excuse, nothing more, nothing less. It's an excuse for the Finance Minister to open up the floodgates. Now, the question would be, why now? This amendment says, let's go back to the way it was. Let's go back to the way the budgets were balanced in the past. Let's deal with this amendment. Let's pass this amendment and let the Finance Minister prove that he's as good as he

is, that he can balance the finances of this Province on an annual basis without having to use the smoke and mirrors, the four-year rolling average, the summary statements. Bring in Manitoba Hydro, Manitoba Liquor Control Commission, Manitoba Lotteries and the Workers Compensation Board. Bring those all in so he can fudge the numbers and spend more money. That's what he wants to do.

But, again, the question is, why now? Why does he have to do it now? Well, there are two reasons why he has to do it now. Number one, spending is out of control. His department spending is out of control, 6.2 percent more in spending last year than the year previously. You can't continue and it's not sustainable, absolutely not sustainable, not with the second factor that's on the horizon right now, and that is a downturn in the economy. The economy is having a downturn, as much as the Finance Minister tells us how wonderful it is here in Manitoba. We can prove to the fact that his GDP increases this year are going to be less than what they had predicted. We

can say that his retail sales tax increases are going to be less than what he predicted. We're going to say that the personal income tax is probably going to be less than what he predicted. His revenue streams are drying up, but the biggest revenue stream of all, that of the federal government, equalization payments to this province in the amount of \$2.2 billion last year.

We know that there is an economic downturn in Ontario. We know there is an economic downturn in Québec and, based on that, we know that eventually those equalization payments are going to be reduced. By the way, equalization payments have been reduced in the past. This will not be a one-off. I've previously—

Mr. Speaker: Order. First of all, the honourable member's time has just expired.

When this matter is again before the House, the debate will remain open.

The hour being 5 p.m., this House is adjourned and stands adjourned until 1:30 p.m. on Monday.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, September 11, 2008

CONTENTS

ROUTINE PROCEEDINGS		National Trucking Week	
Petitions		Maguire	3130
Long-Term Care Facility–Morden		International Literacy Day	
Dyck	3119	Martindale	3130
Provincial Nominee Program–Applications		ORDERS OF THE DAY	
Lamoureux	3119	(Continued)	
Physician Recruitment–Southwestern Manitoba		GOVERNMENT BUSINESS	
Maguire	3119	Second Readings	
Ministerial Statements		Bill 47–The CentrePort Canada Act	
Anniversary of 9/11 Terrorist Attacks		Lemieux	3131
Doer	3120	Debate on Report Stage Amendments	
McFadyen	3120	Bill 37–The Lobbyists Registration Act and	
Gerrard	3120	Amendments to The Elections Act, The	
Oral Questions		Elections Finances Act, The Legislative	
Plea-Bargaining Process		Assembly Act and The Legislative Assembly	
McFadyen; Doer	3121, 3124	Management Commission Act	
Goertzen; Chomiak	3123	Hawranik	3133
Child and Family Services		Maguire	3136
Mitchelson; Mackintosh	3126	Pedersen	3137
Farm Flooding		Report Stage Amendments	
Briese; Wowchuk	3127	Bill 37–The Lobbyists Registration Act and	
Aboriginal Off-Reserve Housing		Amendments to The Elections Act, The	
Rowat; Mackintosh	3128	Elections Finances Act, The Legislative	
School Enrolment		Assembly Act and The Legislative Assembly	
Lamoureux; Bjornson	3128	Management Commission Act	
Members' Statements		McFadyen	3139
Folklorama 2008		Borotsik	3144
Saran	3129	Lamoureux	3145
George Lindsay Henderson		Goertzen	3147
Dyck	3129	Bill 38–The Balanced Budget, Fiscal	
FASD Awareness Events		Management and Taxpayer Accountability Act	
Howard	3129	Borotsik	3155

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>