

**Third Session – Forty-Second Legislature**  
**of the**  
**Legislative Assembly of Manitoba**  
**Standing Committee**  
**on**  
**Legislative Affairs**

*Chairperson*  
*Mr. James Teitsma*  
*Constituency of Radisson*

**Vol. LXXV No. 9 - 6 p.m., Tuesday, May 25, 2021**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Forty-Second Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ADAMS, Danielle	Thompson	NDP
ALTOMARE, Nello	Transcona	NDP
ASAGWARA, Uzoma	Union Station	NDP
BRAR, Diljeet	Burrows	NDP
BUSHIE, Ian	Keewatinook	NDP
CLARKE, Eileen, Hon.	Agassiz	PC
COX, Cathy, Hon.	Kildonan-River East	PC
CULLEN, Cliff, Hon.	Spruce Woods	PC
DRIEDGER, Myrna, Hon.	Roblin	PC
EICHLER, Ralph, Hon.	Lakeside	PC
EWASKO, Wayne, Hon.	Lac du Bonnet	PC
FIELDING, Scott, Hon.	Kirkfield Park	PC
FONTAINE, Nahanni	St. Johns	NDP
FRIESEN, Cameron, Hon.	Morden-Winkler	PC
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin, Hon.	Steinbach	PC
GORDON, Audrey, Hon.	Southdale	PC
GUENTER, Josh	Borderland	PC
GUILLEMARD, Sarah, Hon.	Fort Richmond	PC
HELWER, Reg, Hon.	Brandon West	PC
ISLEIFSON, Len	Brandon East	PC
JOHNSON, Derek, Hon.	Interlake-Gimli	PC
JOHNSTON, Scott	Assiniboia	PC
KINEW, Wab	Fort Rouge	NDP
LAGASSÉ, Bob	Dawson Trail	PC
LAGIMODIERE, Alan	Selkirk	PC
LAMONT, Dougald	St. Boniface	Lib.
LAMOUREUX, Cindy	Tyndall Park	Lib.
LATHLIN, Amanda	The Pas-Kameesak	NDP
LINDSEY, Tom	Flin Flon	NDP
MALOWAY, Jim	Elmwood	NDP
MARCELINO, Malaya	Notre Dame	NDP
MARTIN, Shannon	McPhillips	PC
MICHALESKI, Brad	Dauphin	PC
MICKLEFIELD, Andrew	Rossmere	PC
MORLEY-LECOMTE, Janice	Seine River	PC
MOSES, Jamie	St. Vital	NDP
NAYLOR, Lisa	Woleseley	NDP
NESBITT, Greg	Riding Mountain	PC
PALLISTER, Brian, Hon.	Fort Whyte	PC
PEDERSEN, Blaine, Hon.	Midland	PC
PIWNIUK, Doyle	Turtle Mountain	PC
REYES, Jon	Waverley	PC
SALA, Adrien	St. James	NDP
SANDHU, Mintu	The Maples	NDP
SCHULER, Ron, Hon.	Springfield-Ritchot	PC
SMITH, Andrew	Lagimodière	PC
SMITH, Bernadette	Point Douglas	NDP
SMOOK, Dennis	La Vérendrye	PC
SQUIRES, Rochelle, Hon.	Riel	PC
STEFANSON, Heather, Hon.	Tuxedo	PC
TEITSMA, James	Radisson	PC
WASYLIW, Mark	Fort Garry	NDP
WHARTON, Jeff, Hon.	Red River North	PC
WIEBE, Matt	Concordia	NDP
WISHART, Ian	Portage la Prairie	PC
WOWCHUK, Rick	Swan River	PC

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

**Tuesday, May 25, 2021**

**TIME – 6 p.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. James Teitsma (Radisson)**

**VICE-CHAIRPERSON – Mr. Brad Michaleski (Dauphin)**

**ATTENDANCE – 6 QUORUM – 4**

*Members of the Committee present:*

*Hon. Messrs. Ewasko, Pedersen*

*Ms. Fontaine, Messrs. Michaleski, Teitsma, Wiebe*

**APPEARING:**

*Hon. Jon Gerrard, MLA for River Heights*

**PUBLIC PRESENTERS:**

*Mr. Patrick Falconer, private citizen*

*Mr. Lloyd Talbot, private citizen*

*Mr. Lloyd Axworthy, private citizen*

**WRITTEN SUBMISSIONS:**

*Paul Thomas, private citizen*

**MATTERS UNDER CONSIDERATION:**

*Bill 217 – The Legislative Assembly Amendment and Legislative Assembly Management Commission Amendment Act*

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**Clerk Assistant (Mr. Tim Abbott):** Good evening. Will the Standing Committee on Legislative Affairs please come to order.

The first item of business is the election of a new Chairperson. Are there any nominations?

**Mr. Brad Michaleski (Dauphin):** I nominate James Teitsma.

**Clerk Assistant:** Mr. Teitsma has been nominated. Any further nominations?

Hearing none, Mr. Teitsma, please take the chair.

**Mr. Chairperson:** Our next item of business is the election of a Vice-Chairperson. Are there any nominations?

**Hon. Wayne Ewasko (Minister of Advanced Education, Skills and Immigration):** I nominate Mr. Michaleski.

**Mr. Chairperson:** Mr. Michaleski has been nominated. Are there any other nominations?

Hearing no other nominations, Mr. Michaleski is elected Vice-Chairperson.

Now, this meeting has been called to consider Bill 217, The Legislative Assembly Amendment and Legislative Assembly Management Commission Amendment Act. I would like to inform all in attendance of the provisions and our rules regarding the hour of adjournment. A standing committee meeting to consider a bill must not sit past midnight to hear public presentations or to consider clause-by-clause of a bill except by unanimous consent of the committee.

A written submission has been received and distributed to committee members from Paul Thomas, private citizen.

Does the committee agree to have this document appear in the Hansard transcript of this meeting? *[Agreed]*

Prior to proceeding with public presentations, I would like to advise members of the public regarding the process for speaking in a committee. In accordance with our rules, a time limit of 10 minutes has been allotted for presentations, with another five minutes allowed for questions from committee members.

If a presenter is not in attendance when their name is called, they will be dropped to the bottom of the list. If the presenter is not in attendance when their name is called a second time, they will be removed from the presenters' list.

The proceedings of our meetings are recorded in order to provide a verbatim transcript. Each time someone wishes to speak, whether it be an MLA or a presenter, I first have to say the person's name. This is the signal for the Hansard recorder to turn the mics on and off.

Also, if any presenter has any written materials for distribution to the committee, please send the file

by email to the moderator. We will distribute it to all committee members.

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

**Bill 217—The Legislative Assembly Amendment and Legislative Assembly Management Commission Amendment Act**

**Mr. Chairperson:** I'll now call on Patrick Falconer, private citizen, and ask the moderator to invite them into the meeting. And I'd ask Mr. Falconer to unmute himself and turn his video on.

All right. I can see you now, Mr. Falconer. Welcome to this evening's committee meeting. You have 10 minutes to make your presentation.

**Mr. Patrick Falconer (Private Citizen):** Mr. Chairperson, Mr. Vice-Chairperson, committee members—thank you for this opportunity to present my views this evening on Bill 217.

My name is Patrick Falconer. This will be the fifth time presenting to one of the standing committees this spring. It's a record number of presentations for me. Each time I think I do a bit of a better job, but goodness, I have a long long way to go, so I ask you to bear with me for the next 10 minutes.

I'm speaking tonight in strong favour of Bill 217. For your information, I'm not, nor have I ever been, a member of the Liberal Party of Manitoba. Neither, for the record, have I been a member of the Communist Party of Canada.

I would like to start off my presentation with a quotation. Here it goes: our outdated first-past-the-post voting system keeps electing minority governments who have the support of a minority of voters. It leaves Canadians with parliaments that don't accurately represent their views and encourages divisive politics, rather than pushing political parties to negotiate solutions in the best interest of all Canadians. It's a system that feeds 'disinclusionment' and cynicism.

That's a June 2019 quote from Daniel Blaikie, the NDP MP representing the Elmwood-Transcona riding. The national NDP website, where the quote appears, goes on to say, and I quote: Too many Canadians feel that if they vote for what they really want, their vote will not count. Regardless of what riding they live in or what party they support, every Canadian should feel that they have a voice in the House of Commons.

Simply replace Canadians with Manitobans and the House of Commons with the Legislative Assembly and these quotes capture the reasons why I support Bill 217. As proposed, Bill 217 will provide for more effective representation of the three Manitoba constituencies that elected Liberal MLAs in 2019—constituencies where the Liberal candidate won an average of 50 per cent of the votes.

As proposed, Bill 217 would provide for the more effective representation of the one in seven Manitobans province-wide who voted for a Liberal candidate in 2019.

In short, the passage of Bill 217 will mean that many more of our fellow Manitobans will have a stronger voice in the Legislative Assembly, that the votes of many more Manitobans will really matter.

Bill 217 represents a step, albeit a very limited one, away from the two-party domination that has been a reality in Manitoba for decades and seems to have become a particularly problematic now. The two-party dominance leads to a series of see-saw battles with each side standing to gain power in the next general election based on support from a minority of voters.

Voters for the losing side feel locked out of government until the next election; polarization and partisanship—bitter partisanship result.

I've reviewed the second reading debate on Bill 217 from March 9th and I think the Honourable Jon Gerrard does a fine job in laying out the case in support of the bill. I won't go over the case he lays out because it's already part of the public record.

Rather, I hope to offer a different perspective that might be of interest. This perspective is based on the strong public support for improvements to our democratic and electoral systems. I'll report on the findings of a national poll that was conducted for Fair Vote Canada by Léger, the largest Canadian-owned market research company.

The poll was conducted in September 2020, so six months into the pandemic. Here is the lead-off question that Léger asked of respondents, quote: COVID-19 has created an opportunity for changes in many areas, including health care, environment and our social safety net. How important do you think it is for improving our democracy to achieve the lasting changes for the better?

More than nine in 10 Canadians said improving democracy was important, including 49 per cent who

said it was very important. The figures for Manitoba appear to be very similar.

So, even in the midst of a pandemic, 90 per cent of Canadians and Manitobans—virtually everyone—believes that our democracy needs to be improved to achieve lasting change for the better; to build back better, if you will.

Léger then explored the types of changes that Canadians wanted, what types of changes were seen to be important.

Let me highlight three that virtually everyone agreed on:

(1) a system that encourages parties to work together more in the public interest. A full 97 per cent felt this was important, including more than two thirds, who said it was very important;

(2) a system where all votes count, regardless of where you live and who you vote for—94 per cent said that was important, including almost two thirds, who said it was very important; and

(3) ensuring that laws passed have the support of parties representing at least 50 per cent of voters—93 per cent felt this was important, including almost half, who said it was very important.

The results for Manitoba are almost identical to the results for all of Canada.

So let's recap: Virtually all Manitobans believe that improving democracy is important, and virtually all Manitobans want the parties to work more closely together for the public interest. They want all votes to count and they only want laws passed where they have support by parties representing more than half of all voters.

\* (18:10)

These polling members and the strong appetite for democratic renewal that they represent gives me a reason for hope. Hope in what I find otherwise to be a very discouraging and even enraging political environment in Manitoba.

We have a Premier (Mr. Pallister) who has been characterized as being controlling, hypercompetitive and tone deaf, who seems to relish a good fight and who the media reports to have lied repeatedly to Manitobans. Recent polling data suggests that he has lost the confidence of most Manitobans in the management of the pandemic and he's intensely disliked by a large share of the public.

We've just gone through the 19 mystery bills fiasco in which the public was denied access to the content of government bills for four months. We have a government elected by a minority of voters looking to force through five very contentious bills despite widespread public opposition. We have an environment in the Legislative Assembly that's been described as toxic, disrespectful and hyperpartisan.

We have an official opposition party arguing strenuously against this bill, at least in second reading, that promises to provide for the more effective representation of one in seven Manitobans, while the national NDP are vigorously leading the charge for the move toward proportional representation at the federal level.

We have a provincial Liberal Party tabling this bill to address some of the distortions of our first-past-the-post system, while Liberal Prime Minister Trudeau has broken his promise to introduce electoral reform for national elections.

And finally, we have a PC provincial party seemingly supporting Bill 217 because of its potential to weaken the official opposition and then to help split the electoral vote. A definite advantage in our outdated first-past-the-post system of voting.

As I said, this is very discouraging. The people you represent want better. They want much better. Bill 217 is better. Perhaps not a giant leap forward, it would be a meaningful improvement. Indeed, if I have a criticism of the bill, it's that it does not go far enough. Despite its reservation, I urge all three parties to unanimously support Bill 217 through the standing committee stage and through third reading.

Thank you for your time. I look forward to your comments and questions.

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

Do members have—of the committee have questions for the presenter?

**Hon. Jon Gerrard (River Heights):** My question is this. Just to summarize what you said, that what we need is improved democracy, that we need a situation where things are fairer in the Legislature and where the party which has got significant province-wide presence needs a larger voice as part of that effort. Is that right? *[interjection]*

**Mr. Falconer:** Sorry, Mr. Chairperson. Thank you.

Yes, I think that's the essence. I think it's the essence of the quotation that I made to—just to draw from Daniel Blaikie. You know, the Liberals had, what, 14.5 per cent of the provincial vote in the last election? That's significant.

If we're doing PR, proportional representation, you would have eight seats. The Greens would have had four seats. The PCs would have had 27 and wouldn't be a majority government.

So the system we currently have is problematic. I think it's widely understood to be problematic, and clearly, third parties and smaller parties don't get the kind of official recognition and the roles that we think, that I think they should be playing in the Legislative Assembly.

**Mr. Chairperson:** Further questions?

**Hon. Blaine Pedersen (Minister of Agriculture and Resource Development):** Thank you, Mr. Falconer, for your presentation and your perspectives.

**Mr. Chairperson:** Further questions?

Ms. Fontaine.

Oh, I should have said before I—please accept my apologies, Ms. Fontaine.

Mr. Falconer, would you like to respond to the minister at all?

**Mr. Falconer:** I acknowledge the minister's acknowledgement.

Thank you.

**Mr. Chairperson:** And now we'll move to further questions.

**Ms. Nahanni Fontaine (St. Johns):** So I just want to thank you, Mr. Falconer, for attending this evening's committee, and I've been on a couple of committees with you thus far for the many bills that were before the House, so I always appreciate the input that you put and the time that you take into your presentation.

And so, on behalf of the NDP, miigwech for your presentation tonight.

**Mr. Chairperson:** Mr. Falconer, a response?

**Mr. Falconer:** Well, it's nice to have—it's a—I acknowledge that, as well, and I thank you.

I think presentations are a challenge for people who don't do this as sort of a profession. The format I find very disturbing—you know, if I could see you in

real person and had a real discussion, my—what a different situation it would be.

So, I feel it's a disadvantage—I don't really think I can do a very good job of presenting, although I recognize that it's been a lot of work to build—provide for these committees to be able to do Zoom hearings. So I think that's very helpful.

I look forward to the day where I'm able to present in person, and I thank you for all the hard work you guys are doing because I know it's been tough. Thank you.

**Mr. Chairperson:** All right. Any further questions for the presenter?

Seeing none, I thank you very much, Mr. Falconer, for your presentation this evening and also for being willing to interact with some of the MLAs around the table here.

We'll now move on to our next presenter, and I will call on Lloyd Talbot and ask the moderator to invite them into the meeting. And Mr. Talbot, if I could ask you to unmute yourself and turn your video on.

All right. Mr. Lloyd Talbot, if you're able to hear me, please turn your video on and you audio on and perhaps start talking, just to see if we can get you there. There we go. I see you now. Hopefully, we'll be able to hear you as well. You have up to 10 minutes to do your presentation; please proceed.

**Mr. Lloyd Talbot (Private Citizen):** Thank you, Mr. Chairman and committee members. My name is Lloyd Talbot. I am a voter in the Roblin constituency. I support Bill 217, as it will enable our—more members of the Legislative Assembly to contribute to the democratic process of *[inaudible]* for the public good and for a better Manitoba.

I have master's degrees in city planning and urban geography from the University of Manitoba, and I have 47 years of experience advising local and senior governments in Manitoba and Saskatchewan and nationally. My professional experience and expertise are in the areas of community planning and sustainable community development.

The members of the Liberal caucus have strong backgrounds and expertise themselves. They represent constituencies—important constituencies—and should be allowed to contribute more completely towards the well-being of all Manitobans.

Liberal Leader Dougald Lamont has strong academic and communications background and represents one of Canada's largest francophone urban areas outside of Quebec. Jon Gerrard is a medical doctor and has strong credentials in environmental and rural and agricultural matters. Cindy Lamoureux has a perspective of a younger person and has a strong research and experienced background in elder care. She is working on a master's degree in marriage counselling, an area that I would suggest is needed for support as a result of COVID, whether it's in the community at large and perhaps even within the Legislature.

Their participation will strengthen the work of the committees where constructive discussions can take place. I know that the contributions of Liberal caucus would be supported by the Manitoba Liberal policy committee. This policy committee has helped policy incubators over the past couple of years, covering such areas a child poverty, immigration, seniors care, rural development, environment, climate change, mental health and other topic areas.

\* (18:20)

The next incubator that is planned will look beyond COVID, looking at the impacts on health, housing and education and how we, as a province, can actually build forward.

You know, 100 participants have participated in these incubators and of various backgrounds and political perspectives and they've registered for these policy development sessions and provide support to the Liberal caucus. This input from the public at large—rural, urban, academic and the general public—would be passed on by the members of—Liberal members of committees. These will continue.

Democracy 'bings' from well-informed, broadly supported voices. Party status for the Liberal caucus, the three Liberal caucus members, will support this objective. Bill 217 can only be of benefit to Manitobans at large and the work of the Legislature. It is a benefit that other Canadians have from their provincial legislatures and should be available to Manitobans.

As such, I support Bill 217.

Thank you, Mr. Chairman and committee members.

**Mr. Chairperson:** All right, thank you, Mr. Talbot, for your presentation.

We'll move into questions.

**Mr. Gerrard:** Yes, Mr. Talbot, thank you for your presentation. As someone who has worked within the Manitoba Liberal Party in recent years and on the policy committee and chairing it, one of the important criteria for a political party to have official party status is that it is represented and involved with people all over the province and issues all over the province.

Would you say that the—from your work in the policy committee, your experience suggests that—or is consistent with the Liberal Party being concerned with issues all over the province?

**Mr. Talbot:** Yes, very much so, Mr. Gerrard—Dr. Gerrard. We have representative—representation on the committee itself from rural and urban constituencies. Our representation at the policy [*inaudible*] come from all over the province—north, south, west and the city, and we've covered topic areas ranging from rural development and agricultural issues, including Crown land sales and as well as health care in rural areas and how newcomers to Canada have helped to address the health-care needs in rural Manitoba, as well as looking at urban issues such as nutrition and child poverty.

We've covered areas of interest throughout, and later on this year we will look more broadly at issues, along with the federal government and federal policy group, at the North.

**Mr. Chairperson:** All right, further questions from members of the committee?

**Mr. Pedersen:** Thank you, Mr. Talbot, for your presentation tonight. Obviously, from your presentation, you had lots to do with developing policy and it's good to see Manitobans involved in that.

So, thank you again for your presentation.

**Mr. Chairperson:** Mr. Talbot, any response to the honourable minister?

**Mr. Talbot:** And thank you, sir.

**Mr. Chairperson:** Further questions?

**Ms. Fontaine:** Thank you, Mr. Talbot, for your presentation this evening and for the comments and the background in respect of your support for Bill 217, and for taking the time and spending some time with us this evening.

Miigwech.

**Mr. Chairperson:** Mr. Talbot, any response to Ms. Fontaine?

**Mr. Talbot:** Thank you so much.

**Mr. Chairperson:** All right, any further questions from members of the committee?

Seeing none, then, Mr. Talbot, I thank you very much for taking time out of your evening to join us this evening to make your presentation and also to respond to members of this committee.

We'll now move on to the next presenter and I'll call on Lloyd Axworthy—it says private citizen but I think a familiar face to most of us—and ask the moderator to invite Mr. Axworthy into the meeting. And, Mr. Axworthy, I would ask that you unmute yourself and turn your video on.

And I do just want to note for the members of the committee that I'm fairly certain that this the only time that the two thirds of the presenters to any committees first name is Lloyd.

But now let's move on, you have up to 10 minutes to make your presentation. Go ahead.

**Mr. Lloyd Axworthy (Private Citizen):** Well, thank you, Mr. Chairman, and my references to the Vice-Chair and to members of the committee. It's been a while since I've been in—at least even virtually in this committee room that—as some of you know—I served for several years in the Manitoba Legislature. And that's where I learned much of my craft and my trade and commitments.

From the election of 1977 I was the only Liberal elected, although we had received 13 per cent of the provincial vote and I think as, Mr. Falconer pointed out, the—they're disproportionate of results based on the first-past-the-post system. It is well known and I've gone through it many times.

The reason I want to mention that particular time is that I was really advantaged by the fact that the other political parties were prepared to provide support and courtesy to me when I presented resolutions or would participate in committee meetings. But that was prior to the 1970 election which I think rigidified the place and prospects of people who are elected.

And let me just stop there for a moment. I've served in both provincial and federal legislative assemblies for 27 years. And the one thing I never lost, even though the takes, the bumps and grinds and the arrows, is the unique and distinctive position of being an elected member.

I remember always in election line I was always waiting for results and realizing that tens of thousands of people were not only just deciding my personal fate

and future, but they were making choices. And that's why I felt that when I was elected, I had a responsibility to represent their views. Not always to agree with them, I mean, I'm a—I guess a student partly of Disraeli, that said an elected member has a larger mandate than simply direct interest.

But on a couple of the cases—let me just share this with members of the committee. I represented the riding of Fort Rouge. And the issue at the time, a very serious issue, was we were just beginning a process of moving from rental to condo residential units in that area. A lot of people, older people, young people were being affected because there's no rules or guidelines on how to manage that conversion.

Well, fortunately a member of the NDP caucus, Larry Desjardins, agreed to second my resolution. The government of the day, Mr. Lyon's government, brought it to the floor. We had debate and it passed because it was, I think, a necessary and useful sort of piece of protection for people who were vulnerable.

But it also led to another experience, and that is that even though I was the sole Liberal I had to say sometimes I had a deal with a split caucus, the reality was that when it came to Estimates and debates and committees, I was always granted, you know, full opportunity to speak and represent.

And it had an interesting—sorry—consequence, repercussion. While I was elected and in a downtown riding and I had grown up in the North End of Winnipeg and was very much urban in my outlook, once the government of the day and official opposition allowed me to be a representative, I was engaged at one point in speaking on something like 14 different Estimates debates, and also going to the committees.

Now I'm sure I didn't add an awful lot of value to the debate on how you tax purple gas in rural Manitoba, but I can tell you this: that from the point of view of an elected member who was very much so urban-centred, the fact that I was invited to participate in debates that ranged from the north to the south, to rural, to urban, to agriculture, to resources, to trapping, enabled me to really, I think, fulfill the basic commitment of an elected member of the Legislature, was to reflect the views of all people.

\* (18:30)

It's been pointed out to you that, in the policy debates that Mr. Talbot talked about, the Liberals are



not sort of confined into a box and as members of the Legislature, I think there's an incredible responsibility. But what it meant is that I felt part of a legislative body that was representing all views and I could contribute to those in whatever way.

In other words, there was a tolerance and a respect for the idea that individual elected members, as part of a group, could speak to more than just their specific, kind of, parochial interests but also be part of a much broader debate.

I think when the 1970 act came into place, rigidified those rules, put sort of handcuffs on them, I think it was one of the reasons of the, sort of, withdrawal of a more collegial and more collaborative, a more interesting bipartisan effect in the Legislature.

And I regret that because I think, in this day and age that we work on, we're all very sensitive to how vulnerable the issue of democracy is. We've seen so many places—just two hours ago, I was on a Zoom call—I chair the World Refugee Council—talking to people from Central America. And what was the basic problem? It's that the government's run by an elite and there's no representation; people have lost trust in government.

So, I'd make the case here and I think that the resolution, the legislation 217 would be one step to restoring the idea that the Legislature itself, which governs its own rules, is interested in widening participation, inclusion, and encouraging members of all parties to be able to make decisions and become involved.

And I would close with this example: In my last year in the Legislature in 1979, there was a very important debate for women; it was on the whole question of the equal division of assets on separation or divorce. And—controversial at the time, but a group of us on the committee—and I can't even remember any, sort of, major division between Conservatives, New Democrats or Liberal—we worked hard to listen to all kinds of representations and to come up with what I think was a good piece of legislation for this province in ensuring that women would have an equal say in the disposition of assets.

I think it's made a big difference in terms of the importance of family, the importance of recognizing a reality but also recognizing that the Legislature could work in a collaborative, collegial way. But I think if you put—you had the rules going back to the 1970 act which I think, sort of disrupted and set too many

artificial boundaries in enabling that kind of democratic process to take place.

So, when I was asked by Dr. Gerrard to speak to this, I mean, I know that many of you would say, well, you know I've been a Liberal for a lot of years and you know my religion. But I am saying I will also—sat in the same seats that you're sitting in. I was elected for 27 years as a—for this province in various capacities and the one thing I still hold true, and that is the importance of the individual elected member.

I think if there's any problem—federal, provincial, nationally, internationally—is there's too much concentrations of power and too little attention given to the responsibilities and the talents of individual members of election. That's the core of our representative democracy. And I think that this particular bill would go a long way to demonstrating to Manitobans that this has an interest in ensuring that the democratic process—not only electing people but giving elected people equal rights and equal standing, yes, that would be an important step into identifying how we have to restore, in large part, that kind of—a collaborative experience which I had when I was a member of this Legislature.

Thank you very much.

**Mr. Chairperson:** Thank you very much, Mr. Axworthy, for your well-timed presentation.

We'll move into questions.

**Mr. Gerrard:** Yes, my question—Lloyd, thank you so much for your presentation and coming forward with all your experience as a Member of Parliament as an—and as a member of the Legislature.

There is an interesting aspect, in a sense, to this bill, and that is that there is a precedent for when there was a political party with a leader who was elected in the Legislature, and that was in early 1981, I believe, when Sid Green was the leader of the Progressives. And the Progressives under Sid Green were, in fact, granted official party status, and Mr. Green was sitting on the front row of the Legislature, and he was able to participate fully as an official party.

I just would ask you to say a word or two about precedent and how important that can be in parliamentary procedures.

**Mr. Axworthy:** I wasn't in the Assembly. I left in 1979 to become a federal Member of Parliament. But I can tell you this: I spent seven years where I was enthralled and sometimes horrified but always admirable—admiring of the honourable Sid Green.

There was nobody who brought more passion, intelligence and perseverance to the things he believed in. He was a powerful voice, and I learned from him, as I did from the Saul Cherniacks and the Saul Millers and the Sterling Lyons and the Bud Shermans and others.

These were people who had a kind of sense of the integrity and the responsibility of being elected members. So when—to go back to precedent, Dr. Gerrard, that you mentioned, where at that time the Legislature and the government of the day agreed that Sid Green could represent a small group of three but had the full standing to be able to participate and be involved in debate and Estimates and committees, in question period. I think that was an important value added to the Manitoba Legislature because Sid Green and the others who joined him were very effective and very important members of that Assembly.

And so why—I wasn't here in 1970; I can't—I mean, I didn't come until—but I think that that was so—sorry, a restriction, and I think—look; the example of Sid Green is a good one because you want to draw upon whatever the level of individual talents and knowledge that elected members have, individual members have. And to the degree that you put some barriers into place, I think is wrong.

And so I would endorse to the committee that they correct that kind of action. Look at—as you may know, I've been in politics—or I was in politics but not anymore. I'm just a private senior citizen who dabbles in refugee and migration issues. But I think that the responsibility to begin demonstrating some return to the kind of democratic process that is based on respect and value and does not try to limit for, you know, electoral, political, partisan purposes, the participation of elected members, I think it would be a very welcome—or state for Manitoba electors and citizens to say, you know something? This is a group that really does care about how democracy works.

**Mr. Chairperson:** Further questions? We do have only a few seconds left.

\* (18:40)

**Mr. Pedersen:** Good to see you, Mr. Axworthy. You're looking well. And thank you for sharing your experience as a legislator. As MLAs, we can never forget that we represent a wide range of views within our own constituency, never mind across the Assembly, and so thank you for your message here tonight.

**Mr. Chairperson:** Mr. Axworthy, any response?

**Mr. Axworthy:** Oh, I just thank the minister for his comments. I appreciate them.

**Mr. Chairperson:** All right, any further questions?

Ms. Fontaine, we are out of time but I'll give you a quick one.

**Ms. Fontaine:** And, again, I just want to say miigwech to you for your presentation this evening and actually, just to listen to some of that history, which, of course, was a little bit before my time, but I also appreciate the mention and the acknowledgement of, obviously, one of my predecessors, Mr. Saul Cherniack, who I absolutely just loved. And he was so, so kind to me when I first got elected, one of the most generous and kind people to me when I got elected.

So I appreciate you bringing him up. Miigwech.

**Mr. Chairperson:** Mr. Axworthy, any final words.

**Mr. Axworthy:** Well, just to say that—to the member, I think she couldn't have a better 'mennor'—mentor than Saul Cherniack because I would also say, while I was not quite as young as you were when I came in the Legislature, but young enough, and I think Saul Cherniack was one of my mentors too.

**Mr. Chairperson:** All right. Thank you very much, Mr. Axworthy, for your presentation.

That does bring us to the end of the list of presenters that I have before me.

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**Mr. Chairperson:** So now we will move into clause-by-clause consideration of the bill.

And does the bill sponsor, the honourable member for River Heights (Mr. Gerrard), have an opening statement?

Go ahead.

**Mr. Gerrard:** Just a few brief comments.

First of all, a big thank-you to all the presenters: Mr. Patrick Falconer, Mr. Lloyd Talbot, the Honourable Lloyd Axworthy, and I would add Mr. Paul Thomas who has provided a submission—a written presentation.

Because it wasn't read, I will refer briefly to Mr. Thomas' presentation. He says, in part, I am supporting Dr. Gerrard's bill because it's time to find a more principled basis for providing recognition, procedural privileges and resources to parties in the legislative process.

He says, as someone who believes in the secret ballot and is a non-partisan commentator for over 50 years, he says, I am not endorsing the Manitoba Liberal Party.

He also says, in the interests of encouraging more diverse voices in legislative debates, limiting the advantages of incumbency for established parties and elected MLAs and to reflect the principle of political fairness, I favour a formula for recognition that combines a low minimum number of elected MLAs with a relatively low share of the popular vote.

And he adds, the rules regarding participation in the legislative process should not unduly handicap smaller parties seeking to gain greater visibility and support in the political marketplace.

I think that those comments add to and complement what we've heard from the other presenters.

I've spoken already on this bill at second reading. What we are looking for is an adjustment in terms of what is a recognized political party. This is—needs to be re-looked at in the light of experience over the last several decades, and I believe what we are putting forward is a reasonable approach.

Thank you.

**Mr. Chairperson:** We thank the member.

Do any other committee members wish to make a statement at this time?

**Ms. Fontaine:** I will keep my comments very brief. This bill, Bill 217, changes the definition of a recognized party so that the Manitoba Liberals can get official party status by way of legislation rather than actually winning seats during an election.

It's clear this bill was brought forward largely because the Manitoba Liberals fell from four seats in 2019 to—or sorry, from four seats to three seats in 2019. And for those folks that are watching our deliberations tonight and may not know, you need four seats—you need be able to win four seats to be recognized within the Manitoba Legislative Assembly as official party status.

And so there was at one point, the Liberals did have official party status which, you know, changed a little bit but not much because I actually think that it's important to touch base on what the Honourable Lloyd Axworthy brought up. And he brought up from the '70s some of the rights and privileges that were afforded him, even though he was the only Liberal member.

And as the Official Opposition's House Leader, I can tell you that even though those acts or practices took place in the '70s, they actually carried themselves through to this very day. And so I think it's important for folks to recognize that the Liberal members who are elected to the Manitoba Legislature actually do have quite a bit of privileges and benefits in the Chamber. And I can just point out a couple.

Obviously, the member for fort—or River Heights (Mr. Gerrard) is the House leader for the Liberal members. We have regular conversations with all of the House leaders. Even though they're not a recognized party, the Government House Leader—am I allowed to say names here? So, the Government House Leader Kelvin Goertzen and myself regularly meet with Mr. Gerrard on, you know, seating arrangements, particularly during the pandemic, when we've had to kind of negotiate the complement of MLAs in the House. We've had those conversations and even pre-pandemic, you know, questions and the amount of members' statements. And all of—those are all negotiations that are done in the Speaker's office with the member for River Heights.

The Liberal caucus members have members' statements. I believe that—I think they have three or four a week. I can't remember how many they have right now—two. So they have two members' statements per week. They are, you know, probably ninety-nine point nine per cent of the time they're given leave to respond to ministerial statements. They are often given time, maybe not as much time as the member for River Heights would like, but they are given time in Estimates to ask questions of the minister.

So I want to put it on the record because I don't want folks to think that the Liberal MLAs don't, in fact, participate in any of the privileges that we have as elected members; in fact, they do.

And so, you know, I know that the member for River Heights, you know, obviously is supporting the bill and wants the bill to be passed and receive royal assent but I—what I would suggest is that the member hasn't really presented, in a comprehensive way, the need for this legislation as opposed to the threshold of four elected members becoming an official party status.

The final thing that I will say is this: is that certainly when members are deemed an official party status, there are dollars that come with that designation and I think that that's important to know as well. One of the most important dollars that I think is really important to put out there is that the leader of

any particular party—and this is, of course, all public record; everybody can see this and can know this—but the leader, once you're recognized as an official party within the Manitoba legislative, you are given an extra \$50,000.

And so, you know, I think that that's important to put on the record that if this bill were to receive royal assent and the threshold from four down to three were legislated, it would mean that, you know, the—Dougald Lamont, the member for St. Boniface, would get a \$50,000 increase to his budget. So that's a lot of money, right?

And again, I don't think I would disabuse the member for River Heights (Mr. Gerrard) that he's really kind of presented in any way—any substantial way why we need to legislate this when he does have all of those privileges; maybe as—not as much as he likes but he certainly does have those privileges because, going back to the '70s, it has become practice now.

\* (18:50)

Miigwech.

**Mr. Chairperson:** All right, we thank the member.

I did just want to—I got some information from the clerk about how we are to use names in committee and the preference is for surname only, just for the record. So, Ms. Fontaine, Mr. Gerrard, you can both take—duly take note and so can the rest of us—and to avoid the use of first names, Mr. Wiebe.

All right. I think—any other members wishing to make an opening statement? I'm not seeing any.

So, I guess we'll move to clause by clause.

During the consideration of a bill, the enacting clause and the title are postponed until all other clauses have been considered in their proper order.

Is that agreed? *[Agreed]*

Clause 1—pass; clause 2—pass; clause 3—pass; clause 4—pass; enacting clause—pass; title—pass. Bill be reported.

The hour being 6:51 p.m., what is the will of the committee?

**Some Honourable Members:** Committee rise.

**Mr. Chairperson:** Committee rise.

**COMMITTEE ROSE AT:** 6:51 p.m.

## WRITTEN SUBMISSIONS

Re: Bill 217

Bill 217 is sponsored by Dr. Jon Gerrard, Liberal MLA for River Heights in the Manitoba Legislature. The bill proposes to amend the Legislative Assembly Act and the Legislative Assembly Management Act regarding the official recognition of political parties within the Legislature. Based on their recognized status, political parties qualify for certain rights within the legislative process and for certain types of financial support.

I am supporting Dr. Gerrard's bill because it is time to find a more principled basis for providing recognition, procedural privileges and resources to parties in the legislative process. As someone who believes in the secret ballot, and as a non-partisan commentator for over 50 years, I am not endorsing the Manitoba Liberal party.

Recognition of parties is a relatively obscure, but important component of parliamentary law. In practice, recognition of parties is not a singular phenomenon. There can be different types of recognition for different purposes based on different criteria.

In most jurisdictions, rules internal to the legislature rather than a statutory requirement determines whether a party qualifies for recognition. In those situations, the members of a legislature may pass a motion to dispense with the rules and grant official status to parties that would otherwise fail to qualify. In majority government situations, the non-statutory approach grants the governing party discretion to determine what privileges and resources will be granted to its political opponents. In contrast, a statutory approach requires amendments to an existing law, which a majority government could also arrange but it would take time and require more of a public defence of its actions.

Manitoba is one of the jurisdictions that has a legal provision in the Legislative Assembly Act and the Legislative Assembly Management Act governing the recognition of parties for parliamentary purposes. Those provisions date from 1970 and were adopted in a very ad hoc manner based on political bargaining.

In law, an opposition party, other than the official opposition, requires at least four MLAs to qualify for recognition as a political party. The provisions affect such important matters as the right to respond to ministerial statements, to participate fully in Question Period, to have time in Supply Committees examining

the Estimates and to qualify for special financial allowances for the leader's office and research staff.

The basis for recognizing parties for parliamentary purposes varies across the country in terms of the two Houses of Parliament and the ten provincial legislatures. The two factors usually considered in recognizing a party are the number of seats obtained at the last general election and/or the percentage of the popular vote obtained in that election.

In the interest of encouraging more diverse voices in legislative debates, limiting the advantages of incumbency for established parties and elected MLAs, and to reflect the principle of political fairness, I favour a formula for recognition that combines a low minimum number of elected MLAs with a relatively low share of the popular vote. The presence of more MLAs from third and fourth parties might help to temper the polarization and excessive partisanship that dominates the proceedings of the Manitoba Legislature.

Manitoba's first-past-the-post (FPTP) electoral system tends to exaggerate the popular support for the winning party by granting it more seats in the Legislature than it would obtain under a more proportional electoral system. FPTP also "over rewards" parties whose voter support is concentrated territorially. A party with more diffuse support tends to be "under rewarded" in terms of seats gained in the Legislature. This is the case with the Liberal party that won 14.5 per cent of the popular vote in the 2019 general election but obtained only three seats.

The onus is mainly on minor parties to develop stronger support among voters in order to capture more seats. However, the rules regarding participation in the legislative process should not unduly handicap smaller parties seeking to gain greater visibility and support in the political marketplace.

Dr. Gerrard's bill would change the law to provide that recognized party status would be based on a party obtaining at least four seats or obtaining only two seats provided that it also captured 10 percent of the popular vote. As a private member's bill, Bill 217 cannot involve the expenditure of public money because all new spending must originate with a

minister of the Crown. This means there is no special allowance for the leader or money for a caucus research bureau for a party qualified under the proposed bill.

It is easy to label this formula as motivated by political self-interest because, if adopted, the Liberals would qualify to receive the procedural privileges that come with being an official party. This is not an unusual fact of political life. The main parties have been known to tilt the playing field to their advantage by changing the political finance laws and the rules of the Legislature.

There is no "magic number" of minimum qualifying seats that should apply in all legislatures. Obviously, the number should bear some relationship to the total number of members of the legislature.

The current Manitoba requirement for 4 MLAs represents approximately 7 percent of the 57-member Legislature. Alberta requires 4 MLAs in a Legislature of 87 MLAs or just 4 percent of the total membership. Saskatchewan recognizes parties with just 2 of 61 MLAs or 3 percent of the membership.

Provincial rules that combine seats and a percentage of the popular vote create an incentive for parties to run candidates in all constituencies and to strive to be competitive in all regions. It is valuable for voters in all parts of a province to be offered political choices beyond the two main parties and potentially to have their voices represented in the legislative debates. In New Brunswick there are 49 MLAs in total and a party is recognized if it elects 5 MLAs or obtains 20 percent of the vote. In Nova Scotia a party with just two MLAs can be officially recognized if it ran candidates in three quarters of the 51 constituencies and obtained 20 percent of the vote.

In conclusion, I support Dr. Gerrard's bill because it prompts a debate that is overdue. Whether the criteria set by the bill—at least four seats or only 2 seats and 10 percent of the popular vote at the last general election—are the most appropriate in the Manitoba political context should be part of that debate.

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The Legislative Assembly of Manitoba Debates and Proceedings  
are also available on the Internet at the following address:

**<http://www.manitoba.ca/legislature/hansard/hansard.html>**