

## TO THE HONOURABLE THE LEGISLATIVE ASSEMBLY OF MANITOBA

Your Standing Committee on JUSTICE presents the following as its Third Report.

### Meetings

Your Committee met on the following occasions in Room 255 of the Legislative Building:

- May 26, 2008
- May 27, 2008
- May 28, 2008
- May 29, 2008
- June 2, 2008 9:00 a.m.
- June 2, 2008 8:00 p.m.
- June 3, 2008
- June 4, 2008 10:00 a.m.
- June 4, 2008 6:00 p.m.
- June 5, 2008

### Matters under Consideration

- **Bill (No. 26)** – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat
- **Bill (No. 35)** – The Statutes Correction and Minor Amendments Act, 2008/Loi corrective de 2008
- **Bill (No. 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/Loi sur l'inscription des lobbyistes et modifiant la Loi électorale, la Loi sur le financement des campagnes électorales, la Loi sur l'Assemblée législative et la Loi sur la Commission de régie de l'Assemblée législative
- **Bill (No. 39)** – The Court of Appeal Amendment Act/Loi modifiant la Loi sur la Cour d'appel
- **Bill (No. 40)** – The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules, le Code de la route et la Loi sur la Société d'assurance publique du Manitoba

### Committee Membership

Committee Membership for the May 26, 2008 meeting:

- Mr. BOROTSIK
- Ms. BRICK
- Hon. Mr. CHOMIAK
- Mr. GOERTZEN
- Mr. GRAYDON
- Ms. HOWARD
- Hon. Ms. IRVIN-ROSS
- Mr. JENNISSEN
- Mr. MARTINDALE
- Mr. McFADYEN
- Mr. REID (*Chairperson*)

Your Committee elected Ms. BRICK as the Vice-Chairperson at the May 26, 2008 meeting, on a recorded vote of BRICK 6, BOROTSIK 3, GRAYDON 1.

Committee Membership for the May 27, 2008 meeting:

- Mr. BOROTSIK
- Ms. BRICK (*Vice-Chairperson*)
- Hon. Mr. CHOMIAK
- Mr. GOERTZEN
- Mr. GRAYDON
- Hon. Ms. IRVIN-ROSS
- Mr. MARTINDALE
- Mr. McFADYEN
- Mr. REID (*Chairperson*)
- Mr. SARAN
- Ms. SELBY

Substitutions received during committee proceedings at the May 27, 2008 meeting:

- Hon. Mr. BJORNSON for Hon. Ms. IRVIN-ROSS
- Ms. KORZENIOWSKI for Mr. MARTINDALE
- Mrs. DRIEDGER for Mr. GRAYDON
- Mr. MARTINDALE for Ms. KORZENIOWSKI

Committee Membership for the May 28, 2008 meeting:

- Hon. Mr. BJORNSON
- Mr. BOROTSIK
- Ms. BRICK (*Vice-Chairperson*)
- Hon. Mr. CHOMIAK
- Mr. GOERTZEN
- Mr. JENNISSEN
- Mr. JHA
- Mr. MARCELINO
- Mr. McFADYEN
- Mrs. MITCHELSON
- Mr. REID (*Chairperson*)

Committee Membership for the May 29, 2008 meeting:

- Mr. ALTEMEYER
- Mr. BRIESE
- Hon. Mr. CHOMIAK
- Mrs. DRIEDGER
- Mr. EICHLER
- Mr. GOERTZEN
- Ms. HOWARD
- Mr. MARCELINO
- Mr. REID (*Chairperson*)
- Mr. SARAN
- Hon. Mr. SWAN

Your Committee elected Mr. ALTEMEYER as the Vice-Chairperson at the May 29, 2008 meeting.

Substitutions received during committee proceedings at the May 29, 2008 meeting:

- Hon. Mr. BJORNSON for Hon. Mr. CHOMIAK

Committee Membership for the June 2, 2008 9:00 a.m. meeting:

- Mr. ALTEMEYER (*Vice-Chairperson*)
- Hon. Mr. CHOMIAK
- Mrs. DRIEDGER
- Mr. GOERTZEN
- Ms. HOWARD
- Mr. MARCELINO
- Mrs. MITCHELSON
- Mr. REID (*Chairperson*)
- Mr. SARAN
- Hon. Mr. SWAN
- Mrs. TAILLIEU

Committee Membership for the June 2, 2008 8:00 p.m. meeting:

- Mr. ALTEMEYER (*Vice-Chairperson*)
- Hon. Mr. CHOMIAK
- Mrs. DRIEDGER
- Mr. GOERTZEN
- Ms. HOWARD
- Mr. JHA
- Mr. MARCELINO
- Mr. PEDERSEN
- Mr. REID (*Chairperson*)
- Hon. Mr. SWAN
- Mrs. TAILLIEU

Committee Membership for the June 3, 2008 meeting:

- Hon. Mr. BJORNSON
- Ms. BRICK
- Mr. EICHLER
- Mr. GOERTZEN
- Mr. GRAYDON
- Mr. JENNISSEN
- Mr. MARCELINO
- Mr. REID (*Chairperson*)
- Mrs. STEFANSON
- Hon. Mr. SWAN
- Hon. Ms. WOWCHUK

Your Committee elected Ms. BRICK as the Vice-Chairperson at the June 3, 2008 meeting, on a recorded vote of BRICK 6, EICHLER 4.

Committee Membership for the June 4, 2008 10:00 a.m. meeting:

- Mr. BRIESE
- Mr. DERKACH
- Mrs. DRIEDGER
- Ms. HOWARD
- Mr. JENNISSEN
- Hon. Ms. McGIFFORD
- Mr. REID (*Chairperson*)
- Hon. Mr. RONDEAU
- Mrs. ROWAT
- Hon. Mr. STRUTHERS
- Hon. Mr. SWAN

Your Committee elected Ms. HOWARD as the Vice-Chairperson at the June 4, 2008 10:00 a.m. meeting.

Substitutions received during committee proceedings at the June 4, 2008 10:00 a.m. meeting:

- HAWRANIK for DRIEDGER

Committee Membership for the June 4, 2008 6:00 p.m. meeting:

- Hon. Mr. ASHTON
- Ms. BRICK
- Mr. BRIESE
- Mr. CALDWELL
- Hon. Mr. CHOMIAK
- Mr. DERKACH
- Mrs. DRIEDGER
- Mr. JENNISSEN
- Mr. JHA
- Mr. REID (*Chairperson*)
- Mrs. ROWAT

Your Committee elected Ms. BRICK as the Vice-Chairperson at the June 4, 2008 6:00 p.m. meeting, on a recorded vote of BRICK 6, BRIESE 3, JHA 1.

Substitutions received during committee proceedings at the June 4, 2008 6:00 p.m. meeting:

- Mr. GOERTZEN for Ms. ROWAT

Committee Membership for the June 5, 2008 meeting:

- Ms. BRAUN
- Ms. BRICK (*Vice-Chairperson*)
- Hon. Mr. CHOMIAK
- Mr. GOERTZEN
- Ms. KORZENIOWSKI
- Mr. MAGUIRE
- Mrs. MITCHELSON
- Mr. REID (*Chairperson*)
- Ms. SELBY
- Hon. Mr. SWAN
- Mrs. TAILLIEU

Substitutions received during committee proceedings at the June 5, 2008 meeting:

- Mr. McFADYEN for Mrs. TAILLIEU

### Public Presentations

Your Committee heard the following two presentations on **Bill (No. 26)** – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat:

Allan Fineblit	Law Society of Manitoba
Sidney Green	Private Citizen

Your Committee heard the following 69 presentations on **Bill (No. 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/Loi sur l'inscription des lobbyistes et modifiant la Loi électorale, la Loi sur le financement des campagnes électorales, la Loi sur l'Assemblée législative et la Loi sur la Commission de régie de l'Assemblée législative:

Graham Starmer	Manitoba Chambers of Commerce
Norma Gagne	Private Citizen
Shannon Martin	Canadian Federation of Independent Business
Mike Waddell	Private Citizen
Stephen Montague	Brandon University Students' Union
Ken Waddell	Private Citizen
Christine Waddell	Private Citizen
Sam Uskiw	Private Citizen
Harvey Dann	Private Citizen
Pat Bowslaugh	Private Citizen
Loris Barsanti	Private Citizen
Brian Patterson	Private Citizen
Ray Sitter	Private Citizen
Jack Penner	Private Citizen
Trevor Gates	Private Citizen
Colin Craig	Canadian Taxpayer's Federation
Michael Law	Manitoba Bar Association
John Doyle	Manitoba Federation of Labour
Jim Carr	Business Council of Manitoba
Sidney Green	Private Citizen
Jacqueline Stalker	Private Citizen
Mike Skaftfeld	Private Citizen
Nick Ternette	Private Citizen
Chuck Davidson	Winnipeg Chamber of Commerce
Brad Dowler	Private Citizen
Trevor Maguire	Private Citizen
Dale Smeltz	Private Citizen
Luc Lewandoski	Private Citizen
Don Watt	Private Citizen
Jack McLaughlin	Private Citizen
Doreen Bilodeau	Private Citizen
Brent Olynyk	Private Citizen
Jim Spencer	Private Citizen
Rick Negrych	Private Citizen
Karen Boughton	Private Citizen
Keith Boughton	Private Citizen
Georgina Jarema	Private Citizen
Jae Eadie	Private Citizen
Jeff Plantje	Private Citizen
Andy Sirski	Private Citizen
William Gould	Private Citizen
Stefan Paszlack	Private Citizen
David Jacks	Private Citizen
Howard Rybuck	Private Citizen
Michael Richards	Private Citizen
Greg Georgeson	Private Citizen
Glen Cummings	Private Citizen
Jim Huggard	Private Citizen
Darrell Rankin	Communist Party
Michael Tripple	Private Citizen
Trudy Turner	Private Citizen

Patricia Flaws	Private Citizen
Gustav Nelson	Private Citizen
Del Sexsmith	Private Citizen
Andrew Basham	Green Party of Manitoba
Brian Higgins	Private Citizen
Rudy Derksen	Private Citizen
George Fraser	Canadian Society of Association Executives
Sheila Michalski	Private Citizen
David Enns	Private Citizen
Doug Hutchings	Private Citizen
Gordon Gillies	Private Citizen
Kelly Degroot	Private Citizen
Dr. Robert Diamond	Private Citizen
Nataliya Hryshko	Private Citizen
Marni Larkin	Private Citizen
David Newman	Private Citizen
Craig Johnson	Private Citizen
David Keam	Private Citizen

Your Committee heard the following presentation on **Bill (No. 39)** – The Court of Appeal Amendment Act/Loi modifiant la Loi sur la Cour d'appel:

Ruth Adams	Private Citizen
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Your Committee heard the following presentation on **Bill (No. 40)** – The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules, le Code de la route et la Loi sur la Société d'assurance publique du Manitoba:

Ruth Adams	Private Citizen
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### Written Submissions

Your Committee received the following written submission on **Bill (No. 26)** – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat:

Bill Gade	Private Citizen
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Your Committee received the following 30 written submissions on **Bill (No. 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/Loi sur l'inscription des lobbyistes et modifiant la Loi électorale, la Loi sur le financement des campagnes électorales, la Loi sur l'Assemblée législative et la Loi sur la Commission de régie de l'Assemblée législative:

R. M. Swayze	Private Citizen
Clair and Valerie Davies	Private Citizen
P. Campbell	Private Citizen
Matt Kawchuk	Private Citizen
John Sushelnitsky	Private Citizen
Elizabeth Fleming	Private Citizen
Gordon Henderson	Private Citizen
Roméo Lemieux	Private Citizen
Iris Nowakowski	Private Citizen
Beverly Ranson	Private Citizen
Jim Reid	Private Citizen
Mr. Taggart	Private Citizen
Brian Short	International Association of Machinists and Aerospace
Ray Paziuk	Private Citizen
Elaine Henrotte	Private Citizen
Bev Reeves	Private Citizen
Antoine Gagne	Private Citizen
Jake & Lynn Kroeger	Private Citizen
Lloyd Osborne	Private Citizen
Kerry Maxwell	Private Citizen
Deanna Dolf	Private Citizen
Louise Mydyniski	Private Citizen
Mark Cohoe	Private Citizen

Leslie Porteous	Private Citizen
Joe & Joan Chamberlain	Private Citizen
Diane Cameron	Private Citizen
Brian Higgins	Private Citizen
Mark Tisdale	Private Citizen
Gaile Whelan Enns	Private Citizen
Sandra Johnston	Private Citizen

### **Bills Considered and Reported**

- **Bill (No. 26)** – The Legal Profession Amendment Act/Loi modifiant la Loi sur la profession d'avocat

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 35)** – The Statutes Correction and Minor Amendments Act, 2008/Loi corrective de 2008

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 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/Loi sur l'inscription des lobbyistes et modifiant la Loi électorale, la Loi sur le financement des campagnes électorales, la Loi sur l'Assemblée législative et la Loi sur la Commission de régie de l'Assemblée législative

Your Committee agreed to report this Bill, with the following amendments, on division:

*THAT Clause 3(1)(e) of Schedule A of the Bill be replaced with the following:*

(e) officers, directors or employees of a charitable or not-for-profit organization, unless the organization is constituted to serve employer, union or professional interests or the interests of for-profit organizations;

*THAT Clause 11 of Schedule A of the Bill be renumbered as Clause 11(1) and the following be added as Clause 11(2):*

#### **Independence**

**11(2)** The person appointed as registrar must be one of the independent officers of the Assembly or the commissioner under *The Legislative Assembly and Executive Council Conflict of Interest Act*, or a person on the staff of one of them.

*THAT the following be added after Clause 19 of Schedule A:*

#### **CONSEQUENTIAL AMENDMENT**

*Consequential amendment, C.C.S.M. c. F175*

**19.1** *The definition "officer of the Legislative Assembly" in section 1 of **The Freedom of Information and Protection of Privacy Act** is amended by adding "the registrar appointed under *The Lobbyists Registration Act*," after "Auditor General,".*

Your committee voted to defeat Clause 3 of Schedule C of the Bill.

Your committee voted to defeat Clause 7 of Schedule C of the Bill.

*THAT Schedule C to the Bill be amended by replacing Clause 11(1) with the following:*

*11(1) Subsections 54.1(1) and (2) are replaced with the following:*

#### **Advertising expense limits for year of fixed date elections:**

**54.1(1)** In the year of a fixed date election the total advertising expenses incurred outside an election period

(a) by a registered political party shall not exceed \$150,000.; and

(b) by a candidate shall not exceed \$5,000.

**Expenses incurred by others**

**54.1(2)** For the purposes of this section, advertising expenses are incurred

(a) by a registered political party if the expenses are incurred

(i) by an individual on the party's behalf with its knowledge and consent, or

(ii) by a constituency association of the party; and

(b) by a candidate if the expenses are incurred by an individual on the candidate's behalf with the candidate's knowledge and consent.

*THAT the proposed subsection 54.1(6), as set out in Clause 11(3) of Schedule C to the Bill, be amended*

*(a) in the part before clause (a), by striking out "by a registered political party in producing and distributing" and substituting "in respect of";*

*(b) in clause (b), by adding "or candidate" after "party"; and*

*(c) in the part after clause (b), by adding "that a registered political party or candidate produces and distributes, if the material is distributed outside the election period in that year," before "but".*

*THAT Clause 15 of Schedule C to the Bill be amended by striking out the proposed subsection 70.2(5).*

*THAT Clause 2(1) of Schedule D to the Bill be amended by striking out the proposed subsection 52.22(4.2).*

*THAT Clause 2 of Schedule E to the Bill be amended by replacing the proposed section 6.1 with the following:*

**Criteria or guidelines**

**6.1(1)** The commission must, as soon as reasonably practicable after the coming into force of this section, establish criteria or guidelines to ensure public funds are used appropriately in respect of

(a) material printed, mailed or distributed electronically; and

(b) advertising in newspapers, magazines or other periodicals, on the Internet, on radio or television, or on billboards, buses or other property normally used for commercial advertising;

by members and by caucuses of recognized political parties.

**Definition: "public funds"**

**6.1(2)** In subsection (1), "public funds" means

(a) money paid under section 52.23 of *The Legislative Assembly Act*; and

(b) money that is appropriated by the Legislature

(i) to enable a member to communicate with his or her constituents, or

(ii) for use by a caucus of a recognized political party or a member who does not belong to the caucus of a recognized political party.

**Parties without a commissioner to have a member invited**

**6.1(3)** When calling a meeting of the commission to consider the criteria or guidelines to be established under this section or the mailing expense budget to be established under section 6.3, the Speaker or the presiding commissioner, as the case may be, must also invite a member who has been designated by a political party that is represented in the Assembly but that is not represented on the commission.

**Interim criteria or guidelines**

**6.1(4)** If the Speaker is satisfied that the commission has been unable to develop the criteria or guidelines under subsection (1) in a timely fashion and by consensus, the Speaker must, after consulting with the leaders of the political parties represented in the Assembly, appoint an individual whose duty is to prepare interim criteria or guidelines.

**Distribution and effective date**

**6.1(5)** Once the individual appointed by the Speaker has prepared the interim criteria or guidelines, he or she must file them with the Speaker, who must then distribute copies to each member. The interim guidelines are effective on the date they are distributed by the Speaker and remain effective until criteria or guidelines are established under subsection (1).

*THAT Clause 2 of Schedule E to the Bill be amended by adding the following after the proposed subsection 6.3(1):*

**Minimum mailing expense budget: 2009-11 fiscal years**

**6.3(1.1)** For the 2009-10 and 2010-11 fiscal years,

(a) the total amount of the mailing expense budget established under subsection (1) must not be less than the average of the annual amounts expended by the members in the three fiscal years immediately preceding the 2009-10 fiscal year; and

(b) the percentage of the budget allocated

(i) to the official opposition must not be less than the average percentage of the mailing expense budget expended by the official opposition in each of the three fiscal years immediately preceding the 2009-10 fiscal year, and

(ii) to independent members must not be less than the average percentage of the mailing expense budget expended by independent members in each of the three fiscal years immediately preceding the 2009-10 fiscal year.

**Franking expenses excluded**

**6.3(1.2)** For the purpose of determining the amounts expended under subsection (1.1), the expenses incurred under subsections 52.22(1) and (3) of *The Legislative Assembly Act* are excluded.

*THAT the amendment to Clause 2 of Schedule E to the Bill be amended in the proposed subsection 6.3(1.1) by striking out "five" wherever it appears and substituting "three".*

- **Bill (No. 39)** – The Court of Appeal Amendment Act/Loi modifiant la Loi sur la Cour d'appel

Your Committee agreed to report this Bill without amendment.

- **Bill (No. 40)** – The Drivers and Vehicles Amendment, Highway Traffic Amendment and Manitoba Public Insurance Corporation Amendment Act/Loi modifiant la Loi sur les conducteurs et les véhicules, le Code de la route et la Loi sur la Société d'assurance publique du Manitoba

Your Committee agreed to report this Bill without amendment.

Submitted by,

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Mr. Daryl Reid, Chairperson  
June 5, 2008