



Fourth Session - Thirty-Fifth Legislature  
of the  
**Legislative Assembly of Manitoba**

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**STANDING COMMITTEE**

on

**LAW AMENDMENTS**

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42 Elizabeth II

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*Chairperson*  
*Mr. Jack Reimer*  
*Constituency of Niakwa*



**VOL. XLII No. 19 - 1 p.m., FRIDAY, JULY 23, 1993**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fifth Legislature**

**Members, Constituencies and Political Affiliation**

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHOMIAK, Dave	Kildonan	NDP
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Clif	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
GRAY, Avis	Crescentwood	Liberal
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
ORCHARD, Donald, Hon.	Pembina	PC
PALLISTER, Brian	Portage la Prairie	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP
<i>Vacant</i>	Rossmere	
<i>Vacant</i>	Rupertsland	
<i>Vacant</i>	The Maples	

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON LAW AMENDMENTS**

**Friday, July 23, 1993**

**TIME — 1 p.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRPERSON — Mr. Jack Reimer (Niakwa)**

**ATTENDANCE - 10 — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Cummings, Ernst, Manness,  
McCrae, Stefanson, Hon. Mrs. Vodrey.

Messrs. Ashton, Lamoureux, Maloway,  
Reimer

**APPEARING:**

Conrad Santos, MLA for Broadway

**WITNESSES:**

Walter Kucharczyk, Private Citizen

Sandip Dholakia, Canadian Union of  
Educational Workers

Herb Schulz, Private Citizen

Diane O'Neil, Private Citizen

**MATTER UNDER DISCUSSION:**

Bill 55—The Legislative Assembly  
Amendment and Consequential Amendments  
Act

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**Clerk of Committees (Ms. Judy White):** Good afternoon. Will the Standing Committee on Law Amendments please come to order. I have before me the resignation of Bob Rose as the Chairperson of the Standing Committee on Law Amendments. I will now read the letter:

I would like to resign as Chairperson for the Standing Committee on Law Amendments effective Friday, July 23, 1 p.m.

The floor is now open for nominations.

**Hon. Rosemary Vodrey (Minister of Education and Training):** I would like to nominate Jack Reimer, MLA for Niakwa, to be the Chair.

**Madam Clerk:** Thank you. Mr. Reimer has been nominated. Do I hear any other nominations? Seeing none, Mr. Reimer, please take the Chair.

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**Mr. Chairperson:** We have before us the following bill to consider, Bill 55, The Legislative Assembly Amendment and Consequential Amendments Act. For the committee's information, copies of the bills are available on the table behind me. It is our custom to hear presenters from the public before the detailed consideration of the bill.

I have before me a list of persons' names registered to speak on Bill 55. For the committee's benefit, copies of the list have been distributed. Also, for the public's benefit, a copy of the list is posted on the board at the back of the committee room. For persons making presentations, please check the board to confirm that you are on the list.

At this time, I would like to canvass the audience and ask if there are any other persons present who would like to make a presentation to the committee this afternoon who have not registered. If so, please let the staff at the back of the room know and your name will be added to the list.

Did the committee wish to put time limitations on the presentations?

**Hon. Clayton Manness (Government House Leader):** Mr. Chairperson, the list is not particularly long, but I still feel it might be better, given the precedent in other committees, to put a time limit on, although I think we would want to see some flexibility around the time for questions, so I would move that we put a 20-minute limit on the presentations only. I am not talking now about the questioning; I am talking purely about the presentations from the public.

**Mr. Steve Ashton (Opposition House Leader):** We have had discussions on appropriate levels of time limits in various committees, and I realize the Minister of Finance is correct: there have been time limits introduced in other committees. I just want to make it clear that there will not be any limitations in terms of questions. Is that the intent of the motion? [interjection] Okay. I do not want to see any restriction in terms of questions of members of the public.

It is a fairly important bill, and I think that is probably a more reasonable time limit than we have perhaps had in other committees. Although, I do just once again, Mr. Chairperson, want to indicate, it is something we should certainly look at in our rules. I think we are increasingly having the precedent of time limits, and I think we should discuss whether, in the situation we find—you know, we have decisions made by committees. We should as a Legislature discuss the question of what is an appropriate level of time limits. Certainly, we want that assurance that we will be able to ask whatever amount of questions we wish in terms of presentations.

**Mr. Chairperson:** On the proposed motion, it has been moved by the honourable Minister of Finance (Mr. Manness) that for the Standing Committee on Law Amendments sitting on July 23, 1993, a 20-minute time limit on presentations only with unlimited time for questions.

All those in favour of the motion? Carried unanimously.

It is our practice to hear from out-of-town presenters first. Is there any person here that is from out of town? If not, then I will proceed with the list of presenters I have in front of me and call Walter Kucharczyk, please.

**Mr. Walter Kucharczyk (Private Citizen):** Did you press your stopwatch?

My name is Walter Kucharczyk. Do not bother to pronounce Kucharczyk. Just Walter is good enough or "hey you" will do.

Forgive me, Mr. Chairperson, for my slow speech. It is caused by my medical condition, but I hope I will not cause you indigestion by the time I am through on Bill 55.

I must congratulate one and all, whomever is responsible for it. It is an excellent damage control. It looks like Ottawa has a very good communication with this government here because already it was known yesterday morning that they will spend \$150,000 on the same thing as you have. So I guess you should be proud of it. When I spoke to a friend of mine here, one of the VIPs—nonelected, he said, Walter, are you drinking again?

The bill itself, of course, is for the intellectuals like you and for the help of the lawyers, but I notice to start with, there is one thing missing. Dealing with money, you might say that it is subject to either legislative act or election act.

We had experiences here in our province where some elected members all of a sudden decided there is much greener grass elsewhere and dropped their constituency, their position, of course, in mid-term or whenever, and went either to the Free Press or somewhere else.

You people should give a thought to prevent such misrepresentation by those so-called ladies and gentlemen. I would put into quotation marks both of them. The amount of money that it takes to start with—because Bill 55 centres on the money; otherwise, you will rule me out of order—that is involved in electing the member, I do not have to go into all the details because each one of you had sleepless nights and a steam bath without any steam during your campaigns, eh?

I do not think it is fair to fool the members of the constituency to elect an individual, promises, et cetera, and all of a sudden, goodbye, you can go with my compliments opposite of the heavens. That is not a very nice thing to do.

You people could word properly the terms of the elected member that either financially punished or resignation by an act of God, illness, or, well, criminal charges sometimes have something to do with it, too. So then that is not already your fault, but you do the best to protect the public because it is part of a public protection. So I assume you are old enough that I have to put the problem in your mouth, you know what I mean in the course way of expressing myself.

Do you understand me, Mr. Chairperson? Well, if you do, then you teach the rest. Excuse me, time off for a drink of water.

A certain suggestion might be a real surprise to you. I think the experience of certain developments in this province, prior to some of you maybe were born, that I enjoyed learning the things when I either was broke or unemployed, although I never asked for welfare, I assure you. I learned some developments that were unpleasant that never hit the press and never hit me as well, but through shortcomings or developments, put it politely, of the cabinet minister, the effect was that over 1,000 people became subsequently unemployed, and it is away over 1,000.

My point is this, and it is not a corruption. The minister did not benefit too much. He was just too bloody dumb, listening to poor advice, and they sucked him in all the way.

So I say, and do not be shocked, the cabinet ministers should be bonded, and bonded not the way there are some bonds being obtained. I need \$100,000 bond. Here is my cheque to the bonding company and you give me \$100,000, your document. It looks good. It is a bond. No.

The real bond that serves the purpose is a bond in the amount issued by bonding companies as per individual or individuals without collateral. That way, the bonding company will investigate an individual, learn about him or her more than they knew why they were born. Then you have some protection from sinister developments, which in due course, as always might have a place. There is no saint among human beings. Even sometimes you blame the saint for your own faults.

\* (1310)

When you look back at Ottawa, how many prosecutions took place, and not political prosecutions, uh uh, under the law of Canada and not The Highway Traffic Act, either. I am talking about the Criminal Code of Canada. So I urge you to take a look at the issue of bonding the cabinet ministers. I hope it will not cause you indigestion after your lunch.

Now, Winnipeg Free Press of Wednesday, July 21 of this year, 1993, page 1, bottom story: Now is your chance for a say on how much MLAs are worth.

Mr. Chairperson, I am flabbergasted, Sir, that such a well-known person, Susan Hart-Kulbaba, president of the Manitoba Federation of Labour said, the five commissioners should represent visible minorities, the disabled—she did not say mentally or physically—and have a strong gender mix. Quote: We need people who have a background on pensions and benefits and numbers people.

I guess by "numbers people" she meant used to deal with numbers. I will not go further to another statement of the person, the consultant, because personally I do not believe in consultants. They are experts, in my humble opinion, to tell you what you know except that you pay for it.

I hope there is somebody here who will teach the president of the federation to be cautious about using the expression of visible minorities. They have the priority.

Now, if I pass my 20 minutes, I will shout from outside.

Hansard Commons Debates, December 2, 1992, page 14410, Title: The Royal Canadian Mounted Police. A member—I do not want to give publicity to the member that I do not like. If you want to read the Hansard yourself, I will go through the main points.

The member of the House of Commons says: Mr. Speaker, my question is for the Solicitor General and it concerns RCMP recruitment policies. In his 1992 report, the Auditor General criticized this policy, saying, quote: We estimate that training and salary costs were almost \$2 million for members who left the force during 1989 and 1990 for reasons such as poor interpersonal skills, immaturity, lack of assertiveness, and low learning abilities. What specific actions are the RCMP taking to correct these inefficient and costly recruitment procedures? Kim Campbell, you know her position.

Mr. Chairperson, I am appearing in the House today on behalf of my colleague the Solicitor General. I think a question of that sort is a question that is more appropriate for me to take on notice on behalf of the Solicitor General who will provide an answer to the honourable member at the earliest convenience, a member.

Mr. Chairperson, I thank the honourable minister, blah, blah, blah. The Auditor General has also recommended that the RCMP require applicants to know first aid, swimming, CPR, computer skills and take some basic college courses before they are accepted for basic training. He has stated that. This measure could save Canadians between half a million and one and a half million, that is one plus a half dollars in training courses.

I would ask the honourable minister to inquire, as well, whether the RCMP is going to implement these cost-saving measures. If so, when?—particularly in view of these tough economic times. Then Kim Campbell—and I do not carry propaganda for her because, actually, it is not relevant for her to be taking notice of it.

\* (1320)

Now this is a shining example for you to be guided by because when the political pressure was on—what the heck is his title?—Commissioner Inkster formed one class or they call troupe for visible minorities only, including—well, women became also. You heard the outcome. If you have any further questions on the subject, and you want to really get the details, you get yourself the Auditor

General's report. I will even help you find which part because it is thicker than the Webster dictionary.

You look up Chapter 23, Royal Canadian Mounted Police, subtitle, human resources management. That might be a guidance in some departments also, right here in the provincial administration, but the madam president, to make a blunder as she did, shows that she repeats only which button to push on that tape recorder and shout about visible minorities. That is insulting even visible minorities because you expect in her way of delivering the idea or making statement is just if you would expect a Belgian horse to take on race with the pure Arabian two or three years old. That is to be polite.

I do not in any shape or form take this stand against organized labour or women. As far as I am concerned, the one model for me, even my age, knowledge wise—it happened a little bit too far back to admire personally—was Madam Marie Curie Sklodowska. Mr. Minister, Sklodowska, maybe you remember the spelling. A lady of 126 years ago, when women were not persons, she subsequently got the Noble prize for herself and shared it with two colleagues.

Another one. Whenever you get an X-ray, well, that is her achievement. That is 126 years ago, she was born. Now, I am just giving an example of admiring the ability. Women have just as much ability as a man and are more intelligent, except they have such good manners. They do not want to insult a man, to tell them how they look. They usually are more diplomatic.

Just in case, if you are not familiar, there is a lady by the name Cournoyea, Nellie, in the Northwest Territories, I believe. If you read in the Parliamentary Guide, either last year or this year, then probably you will forget to take your past leaders, guidance from them, I mean like Tommy Douglas, et cetera. She might be a model for you. That is what I want to suggest to Hart-Kulbaba, to take a look at what women really achieved. Just do not try to tell a medical doctor to make a pair of shoes, and the shoemaker to remove an appendix. That is what it amounts to.

They develop the ideas, all of a sudden that particular group paints with the same paint, the same brush. In my humble opinion, although I have no influence, she loses credibility because I can prove, as I am standing here, not being a member

of the labour union, in one deal and responsible for \$35 million, that the United Steelworkers kept on going. It was CCIL that went broke, Canadian Corporate Implements Limited, et cetera. Sorry about raising the voice, but I cannot stand when somebody here in Winnipeg at noon tells me it is midnight.

My hands are shaking not because of drinking. I quit drinking alcohol over 20 years ago. It is just my condition.

**Mr. Chalperson:** I am just going to remind you, you have another couple of minutes left, two minutes left, Walter.

**Mr. Kucharczyk:** Thank you, sir. It will not take that long. By the way, pertaining to my example of Nellie Cournoyea who was actually on our level of First Minister, you can imagine how she impressed way back the deputy minister of Justice and Deputy Attorney General, if I correctly pronounce, who graciously went over to assist her with the red tape. You know, today without lawyers, you cannot even sneeze because somebody might charge you for sneezing in the wrong direction.

In conclusion, I say this Bill 55, you have the opportunity to select—and I have nothing to do with Harold Neufeld on the subject—a man, by "man" I mean a party, or a women, but if their finances do not permit them to serve the public then you look fairly or advise your commission to make sure that able people will have an opportunity.

Of course, do not take away a right if people like Doug Everett do not want to take their senator's pay. But those days are gone. Today, whoever has a rake in his hand, rakes towards himself without saying a prayer.

Thank you.

**Mr. Chalperson:** Thank you very much for your presentation this afternoon.

Are there any questions from the committee?

**Mr. Conrad Santos (Broadway):** Walter, just one question. You recommended that cabinet ministers be bonded.

**Mr. Kucharczyk:** Definitely.

**Mr. Santos:** As far as I know, people occupying financial fiduciary positions, like treasurers, people who are taking care of money and accused persons who are waiting for a hearing, so that they will appear at a trial they will be bonded. Are you implying in your suggestion that cabinet ministers

occupy fiduciary positions or that there is a probability they will be escaping or running away?

**Mr. Kucharczyk:** It is not a question of escaping. It is a question, if you suffer because of a minister and go to a dentist, let him pay for your teeth. If you get a kick hard enough and you need some compensation, that is to put it in the right way. In other words, the minister caused the problem—damages that are not covered, say, by Criminal Code of Canada or any other, your election act or your legislative act. You would be surprised how many loopholes there are in Canada.

**Mr. Santos:** But the cabinet minister whenever he acts he acts *ex officio* in his capacity as minister of the Crown. You will in fact be suing or be going after the Crown, the state, unless of course he will be acting beyond his legitimate authority and acting in a private, personal capacity.

**Mr. Kucharczyk:** Mr. Chair, the Crown as such is being permitted now to be sued as a Crown. However, in either examination for discovery or investigation there could be determined that the Crown had no opportunity whatsoever to prevent an event. It was definitely an individual's undertaking.

**Mr. Santos:** The Crown is now permitted to be sued because the Crown agreed by statute to descend into the level of the citizen whenever it contracts or deals in its private capacity or whenever it agrees to circumstances, but without the agreement of the Crown itself, unilaterally, you cannot sue the Crown.

\* (1330)

**Mr. Kucharczyk:** Mr. Chair, that is what you are the committee for. I give you a general answer.

About a month or two before the federal election, that would be '84, a gentleman representing a certain oil company got an out-of-court settlement, \$90 million Canadian. How much did you read about it back in '84? The gentleman representing the company was such a good diplomat that he said, Mr. Minister, you may divide it in six installments. We do not need your cheque, apply on our income tax. That is \$90 million. Now, on the federal level of course they had bigger budgets to operate with. They did not have to squeeze the rock to get the blood out. But on a provincial level I would urge you to give a thought to it.

**Mr. Chalrperson:** Thank you very much for your presentation.

**Mr. Kucharczyk:** Well, thank you very much for your patience. I was ready at certain points to close the door on the other side.

**Mr. Chalrperson:** Thank you very much. I will call on Barry Shtatleman, Diane O'Neil, Sandip Dholakia. You may proceed.

**Mr. Sandip Dholakia (Canadian Union of Educational Workers):** I am Sandip Dholakia, and I am an executive member of Canadian Union of Educational Workers at the University of Manitoba campus. As a student, an immigrant, and a member of a visible minority, I represent three to four classes of this society. To start with I have a speech problem, so I may take some time to speak. My speech is very short though, so it will not take long anyway.

The other point is I am a new immigrant. I mean I am not new, but to talk on something like this I am fairly new to this country and this province, so all my points here are the effects of what all has happened in the last few months or a year. At the most I am going back a year.

In spite of my disability I will address Bill 55 as it is a time for every person of this province to say on this issue. As our country, the province and the city all are facing heavy financial crises and attempts have been taken to cut expenses as much as possible at every level—and it is actually an international thing, the economy is bad, bad and bad everywhere.

As a U of M employee, we are taking days off, six or seven days I have to take off, and we all will not get paid for these days off. Even all the levels like city or the federal government or the provincial government have laid off many people in the past. Everybody across the country at every stage has been asked to cut the expenditure by one way or the other.

All of these are well-known facts to all of you and to all of us as well outside the Assembly and inside the Assembly I am in. In such a bad economic time, it is certainly not a good idea to raise the MLAs' salaries or the perks or whatever they are getting. Are we taking—I am including all of us basically—days off to raise pay for others? It is not the right way that I am not getting paid for eight days in a year and you are getting a hike in your pay. No way.

The tax was introduced. PST was introduced in a few new items and they had been told at that time

that we do not have enough income, and it is why we have introduced PST on some more items. I do not want to pay more taxes simply to raise somebody else's pay or perks or whatever.

Education is of prime importance for any government at any time, at any level, in any country, in fact, but here education is paying very heavily. Student loans and the bursaries have been affected. Where will all this go, to raise somebody's pay? Do you really think that all the students will accept this? I really doubt it.

Are all these cuts and new taxes just for show, or do we really have a financial problem in the province? If we do not, then why all this show to cut this and that? If we do have the financial problems in the province, then why is somebody getting a hike in salary? Why can you not freeze your salary for three years from now? Why do you have to have a new commission to appoint at all? All of us at all the stages can accept the freeze in our pay for three years. It is as simple as that.

Well, it is an effective and an old way to appoint somebody from outside and say, okay, there are four or five that probably will have the opinion, but we have had that experience in the past—actually, I am not too familiar with those points, but I read in the Free Press on the 22nd of this month in the Editorials page, in fact. They said that it was Justice Gordon Hall's commission and he proposed a 20 to 50 percent raise in the salary at all stages for MLAs, for House Speakers, and he even proposed hikes for the city councillors also, as per the Free Press, I mean. It says around two or three lines on this topic basically.

I am not against raising the MLAs' pay. The only point I have is it is not the right time to do all of this. All of us should not think of this at this time, especially since the economy is so bad. If we all do like this for five more years, the time is not far, then our country will be a new country and into the Third World. Our economy is going so bad, it is taking so bad a shape, that we should not take all we are. Like I said, there is no point in appointing any commission or to think about any of these points at this stage.

The only thing I have a strong feeling about is that all of you should accept a 10 percent cut at this stage for three years or until our financial situation comes up. After that, you can hold the commission and take an increase. I am not against that. You

should get paid because, yes, you are doing your job and you should get paid. It is fair for everybody to get paid, but it is not the right time to get the hike. That is what my only point here is basically.

That is all. Thank you very much.

\* (1340)

**Mr. Chairperson:** Thank you very much for your presentation this afternoon.

**Mr. Manness:** Thank you very much, to the presenter. Do you see that this bill will guarantee increases to MLAs? The bill basically lays a process out. Are you concerned that that process ultimately will lead to higher remuneration or pay to MLAs?

**Mr. Dholakia:** Yes, actually I thought of this point. When you appoint somebody to review something, all the time it should not be in there—it should not end up in the way that it is—that it would be higher only. It can go to the other side, as well. I agree with that, but I just wanted to make sure that it should not go by any chance to the other end of it.

I will be happy if it comes up at the final word, that it is okay. What you have now is good or it is okay, and you are not going to have any high court raising it up therefore in the next two or three years. If we have some improvement in the economy or something like that at that stage, it is fine with all of us basically, but if it comes up in advance of that, no, that it should be more than it is now. It is what happens like in 80 percent of the cases. I think, sure, that it is good at the other end, I mean, basically.

**Mr. Manness:** One final question. Were you or the people you work with aware that in 1991, the government brought in a bill, Bill 70, which froze the wages of MLAs, the basic wage? Also, this year, MLAs had a net reduction of 2 percent to their level of remuneration—actually, 4 percent after the increase. Are you aware of that?

**Mr. Dholakia:** Yes, but the only concern here is that—I do not care. At the end of this year or in the next year, I should not hear from the commission, that okay, you were, for a while, a person off last year, but now you should get like a 5 percent increase in your pay already. That is all my concern now: what is happening now or what has happened in the past. I do not have any objection to that. I mean, it is fine, but like now and there I should not come up with the hikes in future; it is what my concern is basically. It is the economic times; I



mean, after two years, it should be okay, I guess, hopefully.

**Mr. Ashton:** As a former president of Local 9, Canadian Union of Educational Workers, I certainly welcome you to the committee. In fact, one of the questions I was going to ask was already asked by the Minister of Finance (Mr. Manness), but I am just wondering—by the way, the bill does deal with a whole range of things: salary, pensions, allowances, constituency allowances, et cetera. There is always a dilemma that we face that if we make decisions ourselves, then people feel there is a conflict of interest. A lot of people I have talked to have said it would be better to have an independent body, and that is really the rationale behind this particular bill. I am just wondering, in your opinion, would it be better for MLAs to be making that decision, or do you feel the kind of proposal that we have here is the best route to go? What is your feeling in terms of the best way of dealing with these types of issues? Is it with an independent group, or should the MLAs make the final decision themselves?

**Mr. Dholakia:** Yes, it is an important thing, and I really feel as an individual, though it is not the final opinion anyway, that MLAs, at least if the commission is of four persons, then at least three of those should be from the Assembly. It is not here but what can happen after they increase their pay by, say, 8 percent and personal trips at the end of this year and all those committees. All that stuff ends up. Yes, there will be some hike in their pay as well; then they will decide. Everybody in the Assembly will answer that: Okay, we do that. I do not say that our pay should be raised, but they asked us to do that; it is why we are accepting this—no. But if you will do that yourself, then you will have to find some other answer to that question instead of blaming somebody else for the hike. If you are then on the commission, then you cannot say that, okay, he asked me to have the raise. Are you following me?

**Mr. Kevin Lamoureux (Inkster):** Yes, I appreciate the presenter coming before us today, but I have a question, do you feel that politicians, in particular, the MLAs, are in fact overpaid or underpaid? Whichever one you believe, again, I want just to seek a bit further clarification: Should MLAs be setting their own salaries, or should it be done by an independent commission in your opinion?

**Mr. Dholakia:** Well, I already told that once, right? As I already said, get it passed now. Well, underpaid or overpaid, I am not sure of that, and I have not gone through all the points of that. The only point here, and it is a very simple point, that we should not think of anything like that at this stage. If you are underpaid, then you should be paid more, but not now, after two years probably. If you are all paid, okay, at the stage now that you have already accepted a 2 or 4 percent deduction now in your pay, so there is no point to raise anyway, but if you are underpaid, then you should wait for improvement of the situation in the economy for two more years. It is as simple as that. There is no point to any commission or any review of pay. It is the state of the time, I mean. It is the wrong time in the economy now, and I do not think we should have any change. It costs the economy, it costs the taxpayer, it costs eventually you and me. I mean, it is up to all of us.

The other part of your position is, as I told you already, that, well, I always feel the MLAs should be a part of this commission to evaluate their pay. So ultimately they cannot blame, that somebody else asked to raise their pay, and it is why I am accepting this. I believe you also have to have some point in time—that you have a limitation on that. I mean, it is as simple as that.

**Mr. Lamoureux:** Just finally, I guess ultimately the problem with that is then MLAs are once again deciding how much they are going to get paid, and I think, like most individuals, people generally feel that MLAs should not be setting their own pay.

Are you going to be making presentation—or I would encourage you at the very least to make presentation, because I think you do have some very valid concerns, and to make those presentations to the independent commission itself in terms of what you believe, because many of the things that you have talked about, no doubt, I am sure they would value as good information.

**Mr. Dholakia:** I am not saying that 100 percent of the commission would be the MLAs. Two or three should be MLAs and the other two or three should be from outside. It should be a compromise or something like that, from the government, from the MLAs, as well. They should have the right to say. That is what I meant basically. Is that what you asked? [interjection] That is what you asked.

\* (1350)

**Mr. Santos:** I would like to secure your point of view as a citizen, Mr. Dholakia. Do you think cabinet ministers and members of the Legislature occupy a position equal to, lower than or higher than positions in the courts or in the administrative departments of government?

**Mr. Dholakia:** Can I ask you to—

**Mr. Chairperson:** Mr. Santos, to repeat.

**Mr. Santos:** Mr. Chairperson, I am just asking you, in your opinion, in your perception, in your understanding of things, whether Members of the Legislative Assembly, Members of Parliament, cabinet ministers and the like have a position of responsibility equal to or higher than or lower than judges and deputy ministers and other administrative appointed people in government?

**Mr. Dholakia:** Well, if I understand your question correctly, then I understand that what you are asking is if all the Assembly people and others like that have the same or equal capability or higher or lower capability of the administration, than the law people. Is that what you meant exactly?

**Mr. Santos:** Mr. Chairperson, I am asking you whether the responsibility on the shoulders of Members of Parliament, members of the Legislative Assembly, cabinet ministers and other elected people like councillors are any less than the responsibility on the shoulder of judges and deputy ministers and directors of departments of government.

**Mr. Dholakia:** No, it is not less. It probably could be more or the same, I mean. It is not less, for sure.

**Mr. Santos:** In your observation then, why is it that they have salaries lower than judges, lower than deputy ministers, lower than directors, lower than some of these appointed people in government?

**Mr. Dholakia:** Here, like in our situation, what happens when you and I are born? We are not born as an MLA, or we do not come out of school as an MLA, right? So what happens is, if I come out of the school, I study something, I work for some years, so an MLA is not my job, right? It is not my lifelong assignment, it is just for the five years. You have your planning for after the time you have been an MLA or M.P., and you have to do something else after five years. You have to do something for the other part of the country and other people. You have been assigned something from the people of this province or this town to do something for them for a short period of time.

When you appoint somebody in the law court or as an assistant commissioner or a high court judge in Ottawa, you appoint them till the age of—they are not assigned for only five years. But the others are only for five years, you are not anything like the end of your age, I mean. It is what my point is. Do you understand what I mean? It is okay.

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

I will now call on Jettie Zwiep, Mr. Herb Schulz. Do you have a written presentation, Mr. Schulz?

**Mr. Herb Schulz (Private Citizen):** No, I do not.

**Mr. Chairperson:** You may proceed with your presentation.

**Mr. Schulz:** Thank you. Let me begin by congratulating you people for agreeing to have these public hearings, and secondly, to suggest that I hope the Canadian public can be forgiven if they come to the melancholy conclusion that whenever the elected representatives agree with each other about something, it is usually for the purpose of hatching some conspiracy against the general public.

Let me explain. We saw this happen several years ago on the Meech Lake Accord, when in the teeth of public opposition the elected representatives federally and provincially were determined to force through a piece of legislation which would have made Quebec into a sovereign political state, and it was killed eventually by one political person who had his own agenda and wanted the same favours for his own people as were being granted to the people of Quebec.

We saw it again with the Charlottetown accord when, again, the elected representatives, federally and provincially, agreed with each other. Again, the legislation was killed because the people of Canada knew enough of history to know that they did not want the recreation of a new Yugoslavia on this continent. We saw it again when the M.P.s quietly managed to pass a piece of legislation saying that only political parties could conduct or could become involved in election campaigns.

We almost saw something a few weeks ago. The M.P.s, some of them at least, were opposed to the senators giving themselves a \$6,000 increase in pay, but you will recall that the M.P.s two years earlier agreed, I believe unanimously, to pay themselves that \$6,000 increase.

We saw it here. We are seeing it in process right now when our MLAs from all parties seem to have found a certain amount of acumen amongst yourselves in agreeing to establish an ethnic school board on the grounds that it was required by the Supreme Court. Now I am quite sure that everyone in this room knows that the Supreme Court ordered no such thing, but you have managed to take advantage of a situation to get together to sweep an embarrassing political problem off the political table and blame another body. So here we are again.

I recall several years ago Premier Lougheed appointing a commission to resolve some labour dispute. When the recommendation was read, he made the comment that obviously arbitrators live in a somewhat different world than I do, and this will be the last arbitration in this province. From now on, the decision with respect to the expenditure of tax money will be made by those who are required to collect it. I suggest to you, ladies and gentlemen, that may be a good philosophy.

What is the issue here? It seems to me the issue is very clear. The MLAs want more money, and they do not want to take the political responsibility for it. Now you may say that is not so. The commission is free to make any recommendation it wishes. Please, we know what sort of recommendations commissions will make. We have 100 years of history behind us to indicate what sort of recommendations this independent arbitrator will make.

What will they do? They will do what they have always done. They will look at the statistics. They will look at everything except reality, and they will make a recommendation that since MLAs in other provinces are getting more money, you should get more money. I am tempted to suggest that if there are any MLAs around this table who thought for one moment that that would not be the recommendation of the committee, then you would not be so anxious to have one.

If independent arbitrators are so good, then why not apply them to medical fees? Why? Because the government knows what the recommendation of the independent arbitrator will be and refuses to accept it. If independent arbitrators are so good, why not apply them to the civil service who have just been robbed of eight days pay? Why? Because the government knows what the recommendation

will be and refuses to accept it and, therefore, refuses to appoint one. So why here?

However, if you really feel—and I know there are people who feel strongly on this issue—that a commission of this nature is necessary to establish the salaries and pension plans of elected persons, we have had at least two commissions that I know of in the last number of years, one on city councillors' salaries and one on MLAs' salaries, both of which recommended enormous increases, and what happened to them? The city councillors and the MLAs considered them an embarrassment and very quickly evaded any responsibility for those recommendations.

Now, of course, what guarantee do we have that an independent arbitrator will not once again, which they are almost bound to do, recommend something ridiculous? Well, I note that you people, and I must congratulate you for doing some serious thinking about this. Someone has been lying awake thinking. You have built in a safety feature, a two-word safety feature. As I understand it, you have built in binding arbitration. So it does not matter how ridiculous the recommendation is, you are going to be able to throw up your hands and say, we had nothing to do with this. An independent commission has recommended it, and embarrassing as it may be, we are going to have to accept it.

\* (1400)

Now, gentlemen—ladies and gentlemen, I am sorry—if you think about that seriously, all of you must recognize that you simply cannot live with that kind of a situation. The public will simply not allow it.

Now what seems to be the issue here, obviously you feel that you are entitled to more pay and, you know, I have lived in this place for six years. I have some sympathy for you people. You may well be entitled to it. I am suggesting to you that an independent arbitration is not the way to get it. You are going to have to ask for it yourselves if you want it.

I do not see the same kind of a problem that some people appear to see. I have not heard anyone say, except largely in jest, that MLAs are being overpaid. Most people have some idea of the responsibilities that you people have to bear. It is not easy governing a province or a country, particularly under these conditions. I have not heard—I think I can honestly say—well, I should

not say no one, but I have heard very few people say that MLAs are overpaid. What they are saying is that it is obscene for the MLAs, for the elected people of this country, to be asking for higher pay when everyone else is taking less.

I have not heard anyone say that MLAs should not have pensions. Most people are accustomed to the concept of pensions. They believe that anyone who puts his effort into something is entitled to a pension. What they are saying is that it is obscene to have a pension plan which theoretically makes it possible for someone under the age of thirty to retire on a lifetime, indexed pension plan when the working people who have to pay the taxes have to wait until they are sixty-five. That is what you are faced with, and no independent commission is going to change those circumstances. You are going to have to face that issue yourselves.

Now, as I said earlier, I have some sympathy for the position that you people are in. I have been here when other people have gone through the same thing. I suggest to you that you cannot evade your responsibility by turning it over to an independent arbitrator. You may well be worth more money. I am not in a position to make that judgment, but if you want more money, you are going to have to vote it to yourselves and you are going to have to take the political responsibility for it. Thank you.

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

**Mr. Manness:** Thank you very much, Mr. Schulz. I, for one moment, would not suggest—

**Mr. Chairperson:** Mr. Schulz, were you prepared to take some—[interjection] I am sorry, you walked away.

**Mr. Manness:** I would just like to say, Mr. Chairperson, to Mr. Schulz that I, for one moment, would not suggest that independent arbitrators are so good, to use your terminology, but throughout the past several months when the public outcry, I guess, focused very negatively on our present method of trying to reach decisions around allowances, pensions and salaries, that they called, I guess, against the ability to set our own pay levels, the public.

As a matter of fact, Mr. Schulz, I did not have one call to my office in support of the present method, which indeed the legislators have tended to use to try and arrive at a fair means of recompense. Not

one call in favour of the present system. Because I sense that the present system in a perfect world is probably the best way, why would that be? Why would not one individual call in support of the present system? Because without those calls, I am sorry, I honestly believe that today the public wants this taken out of our hands—totally.

**Mr. Schulz:** Mr. Chairperson and Mr. Minister, I have during my few years here seen a number of things taken out of the hands of the government. I was one of those who years ago supported the concept of an Ombudsman. I would not do it today. Why? Because before the Ombudsman, if a citizen had a problem, he went to his MLA. If he did not get satisfaction, he went to the minister. He went somewhere. If he did not get satisfaction, he went public. He went political.

Today, you go to a minister, you have a problem, he says, oh, go to the Ombudsman. The government has found a way of evading its responsibility. The language commissioner, there was a time—not the language commissioner, the freedom of information commissioner—who is the freedom of information commissioner? A civil servant.

Prior to the information commissioner, you went to your MLA or you went to the minister. If you did not get satisfaction, you went public. Where do you go now? If an appointed civil servant tells you you cannot have the information, you cannot have it and there is nothing you can do.

Now, I suggest to you that if people are not phoning you and supporting the present system, it is because you have already created an atmosphere in which they are not thinking about the present system. They are thinking about what is being proposed, and they are either for it or against it.

I know there are many people out there who really believe that decisions should be taken out of the hands of the politicians. Why? Possibly because the politicians have lost their confidence. Some of them do not think far enough to realize where that responsibility will then rest and that once that decision is made by an independent body, they have no further political recourse. I suggest to you, Mr. Minister, that if those people think about it seriously, they will leave things as they are.

Again, I do not know whether you people are worth more or not, nor do I care at this moment. I

am suggesting that the process is wrong. I am suggesting there is enough political cynicism out there already without you people adding to it, and you cannot cure that political cynicism by attempting to evade your own responsibility behind the back of an independent commission.

The system of democracy, as we call it rather loosely, operates only as long as people have some respect for the process, and when they lose that respect, you are all aware of what happens. I am suggesting to you that you are headed in that direction.

**Mr. Santos:** On the basis of assuming public cynicism of the behaviour of elected public officials, you are saying that by delegating this to the so-called independent commission, in actual fact this Legislative Assembly and Parliament in general is evading its responsibility to face the issue squarely.

**Mr. Schulz:** Yes.

**Mr. Santos:** We have seen that before in our national Parliament with respect to hot and controversial issues like the death penalty or abortion or any other issue that divides the population that is divisive and controversial. Do you think that is a responsible behaviour of Legislative Assemblies and members thereof who are elected by the people?

**Mr. Schulz:** I believe that when we delegate responsibility or elect representatives, we expect them to govern. Now if they govern foolishly then they are going to have to accept the responsibility for that.

Now you talk about capital punishment and a number of other issues. Let us go back to the referendum of last year. Why did we have a referendum?—because the politicians could not come up with any proposal that the public could accept. If they had come up with an acceptable proposal, there would have been no need for a referendum. The fact is that all the politicians knew that what was being proposed was not acceptable, but they insisted on forcing it through. That is why we had a referendum. Now you do not need a referendum on capital punishment if you come up with a sensible idea, but when we have protection for everyone but the victim then there is bound to be a public response.

Whether you make that decision on your own or go to a referendum is your business. I am

suggesting to you that you—you know, when you people placed your name as a nomination, no one forced you to. No one held a gun to your head. You are here of your own volition, and you are going to have to take the responsibility for your actions and that includes, incidentally, your pay. You all knew what the pay was before you came here, and you accepted that. Now that does not mean that it has to remain static forever. It does mean that if you want to raise it, you are going to have to take that responsibility and explain to the public why you want to raise your pay.

\* (1410)

**Mr. Santos:** Where do you think the legitimate authority of Legislature to spend public money for any purpose comes from?

**Mr. Schulz:** I am not sure that I follow your question. I was always under the impression, having read my civics book, that the public delegates responsibility to its elected representatives to collect tax money and to spend it, and I thought that is what I was saying.

**Mr. Santos:** In other words, the ultimate source of authority is the people, the electorate. Do you think if the elected people in parliaments, in assemblies do not want to take responsibility for anything that is within their jurisdiction to do and within their obligation to decide, they should throw it back to the people by means of a national referendum?

**Mr. Schulz:** I am ambivalent on that subject, because there are times when the people are going to demand to make the decision, as they did last year with respect to the Charlottetown accord. We cannot have a referendum on every issue or there would be no point in having a government. At some point, you are going to have to make some decisions.

**Mr. Santos:** In any case, if the Legislative Assembly or any parliament, who are the elected representatives of the people, refuse or cannot accept the heat in making any decisions that affect themselves, they can do it by making a decision now and let the changes take effect after their term of office has expired. I mean, whoever makes the decision, after their term of office expires, then it will take effect. They cannot be accused of making decisions for themselves.

**Mr. Schulz:** Yes, in fact, that is an interesting suggestion, make the decision now with respect to what the pay will be for the new incumbents after

the next election and take the responsibility for it, if people vote for that. You can put it on the ballot as a referendum issue, or you can simply have it as a government proposal. If that government is defeated, then the proposal goes down. It is one way of doing it.

I am sure, gentlemen—I am sorry, ladies and gentlemen—that having had the intelligence to arrive at this table, you also have the intelligence to figure out some workable program without attempting to evade your own responsibilities and hiding behind a commission against the recommendations of which the public has no recourse.

**Mr. Santos:** Do you think, without questioning their integrity, that people who are not elected by the voters should have the final say at all to spend public money for any purpose?

**Mr. Schulz:** Again, I am not sure if I understand your question correctly. If you are saying, does an independent commission not have the right to make decisions with respect to the spending of public money—look, commissions are used all the time. It is not as though the proposal here is unique.

I am suggesting that we have a particular case here, and, sure, you can use this commission if you want to. It may even work. I am suggesting to you that when the public gives it some serious thought, it is simply going to increase public cynicism, and I think you should attempt to avoid that.

**Mr. Chalrperson:** Thank you very much, Mr. Schulz, for your presentation.

**Mr. Schulz:** Thank you.

**Mr. Chalrperson:** I will now call for the second time, Mr. Barry Shtatleman. Barry Shtatleman. Ms. Diane O'Neil.

We have a copy of your presentation. You may begin, Ms. O'Neil.

**Ms. Diane O'Neil (Private Citizen):** Before I start, can I ask two questions of clarification?

**Mr. Chalrperson:** Certainly.

**Ms. O'Neil:** Does Bill 55 create a commission comprised of people who are nonpoliticians?

**Mr. Chalrperson:** Yes, it does. I believe there is a press release. In fact, the names were released just earlier this afternoon. There should be a press release at the back of the room with the names of the individuals.

**Ms. O'Neil:** And is the government bound by the recommendations of the commission?

**Mr. Chalrperson:** The process that we have here today, ma'am, is to look at the process of the bill. The process and the implementation will be dictated by the board and commission that is being set up. We are here to look at the bill, Bill 55, and the process itself, so if you would like to make your presentation.

**Ms. O'Neil:** I am arguing against a commission made up of people who are nonpoliticians, and the reasons are as follows. Politicians must be subject to the same conditions as the people whom they represent. How else are they to understand the consequences of the decisions they take, and how else are they to react in a meaningful way to concerns of those affected?

It is not enough for our politicians to read reports, follow trends and analyze statistical information. Politicians, because they represent the interests of the people, must be aware of how and in what way people's lives are changed by the decisions they make. How else can they properly represent their people and provide the measure for evaluating social, economic and political forces at work?

To do this, politicians must be as close to their people as possible, to keep their ear to the ground, to get the information first-hand about the effect of legislation and to bring back to the Legislature concerns of their people. These concerns reflect social change and form the basis for future legislation. These concerns also indicate social priorities.

Keeping their ear to the ground also allows politicians to identify where their legislation fails. For example, increasing numbers of people are collecting UIC and welfare, yet the amounts have been legislated to be decreased. It creates an economic situation, compounded by the fact of rising prices, that is having a devastating effect on families.

The politicians can wait for the results of their legislation by reading reports of investigations by our reporters, as with the recent child-welfare series, or they can come back to the Legislature and tell their colleagues themselves about the people they talk to, about the concerns of the people and about the things we want changed, but unless they are themselves aware of the personal impact of their decisions, they cannot possibly

function as effective representatives of the people they were elected to represent.

Now, Bill 55 imposes on politicians a set of operating conditions different from those operating for us in the rest of society. Bill 55 relieves politicians of the responsibility for making direct decisions affecting themselves and introduces the notion that somehow they are not accountable for the consequences of this legislation. Since politicians are primarily concerned with legislation, the idea that some other group, some other body of unelected representatives could formulate recommendations resulting in binding legislation is simply untenable in a democracy.

Now the parameters of this wage package, the salary level, money for the operating costs of doing your job, expense allowances and your retirement package is now, according to Bill 55, to include the concept of politicians. This is creating a package that simply is not available to other people. This politician's wage package is different from those of most other people, the people they represent. It is being arrived at through a process of binding arbitration that is not available to most other people, and it provides a level of financial remuneration that most people do not have. It is being set up in a way that effectively removes from politicians direct responsibility for accepting the wage package.

So the danger with Bill 55 is that it eliminates the line of direct responsibility between people and their elected representatives. In doing so, politicians are creating a shield. Now it is the politicians themselves who should be sitting on the committee hearing concerns and formulating their politicians' wage package, that they are directly and solely accountable both to each other and to the rest of us.

Thank you.

**Mr. Chalrperson:** Thank you very much for your presentation, Ms. O'Neil.

**Mr. Santos:** I would like to ask Ms. O'Neil the same question. Where does she think the authority for legislative bodies to spend money for any purpose whatsoever comes from?

**Ms. O'Neil:** The authority for legislative bodies to do any action, including spending money, comes from people.

**Mr. Santos:** And if the elected representatives of the people refuse to face up to that responsibility,

do you think it is reasonable that they should allow the people to make that decision?

**Ms. O'Neil:** I do not see how in Canada we can have elected representatives refuse to take responsibility. This is a democracy.

**Mr. Santos:** But you are saying that by delegating it to a nonelected body of people, they are evading their own responsibility to make that decision.

**Ms. O'Neil:** I am saying that by delegating decision-making authority for legislation, our politicians are creating a very dangerous situation. In this particular case, we are looking at wages for politicians. However, you set the stage for other kinds of decision making and other kinds of legislation. It should not be allowed to start.

\* (1420)

**Mr. Santos:** Do you think any other body or any other people who are not by definition members of the Legislature should make any decision that is not subject to any review by the Legislature, including the setting of salaries?

**Ms. O'Neil:** No.

**Mr. Santos:** Why not?

**Ms. O'Neil:** Because politicians are representing people, yet, in effect, the people are their employers. It is up to the politicians to negotiate their contract directly with their employers.

If they are going to use arbitration for themselves, then by extension, they have to allow arbitration for all other groups of people, whether they are unionized or not.

**Mr. Santos:** Is it reasonable, in your view, that the legislative body find people who have expertise in setting salaries who are reasonable and just, but without depriving themselves of the ultimate last say as to the package they will come up with.

**Ms. O'Neil:** I am not understanding the question.

**Mr. Santos:** I am saying this bill purports to give absolute discretion and final say on the regulations that will be promulgated by that independent commission setting up the various levels of pay and salaries, remuneration and other related matters, and that within two years, this Legislature saying in a statute, it cannot touch whatever decision they come up with.

**Ms. O'Neil:** I do not give my representative permission to abdicate that kind of responsibility. The politicians must do this themselves.

**Mr. Santos:** Thank you.

**Mr. Chairperson:** Thank you very much for your presentation this afternoon, Ms. O'Neil.

**Ms. O'Neil:** Thank you.

**Mr. Chairperson:** I will now call for the second time, Jettie Zwiép. Jettie Zwiép.

As that concludes public presentations on Bill 55, we will now go to clause-by-clause consideration of this bill.

Does the minister have any opening statements?

**Mr. Manness:** Mr. Chairperson, I again just point out, for people who want to hear, this is a consensual bill. Most of our comments were made on the record in second reading yesterday.

I, certainly, as just a member on this committee, have listened carefully to the presentations made today. I still have not come up with a solution, in my view at least, that is any better than is encompassed within Bill 55, and I continue to recommend it to the House.

**Mr. Ashton:** Mr. Chairperson, indeed, I had the opportunity to speak in the House on the particular bill, and, you know, I think this is the ultimate dilemma we all face on issues that obviously have direct impact on us. It is a real paradox in a way, in the sense that while we have traditionally dealt with matters such as this, with us having the final decision, in fact us making the decisions, we also have conflict of interest legislation that requires that we not vote on anything that may impact on us in a financial sense, when we own stocks, bonds, mutual funds, property, et cetera.

I find it the ultimate paradox that when we vote on matters such as that, that affect us directly, we have to withdraw from the House, and, in fact, if we do not, there are severe penalties. Yet when it comes to what is the ultimate decision affecting us financially, obviously, we cannot deal with this as a conflict of interest because we would all have to withdraw from the vote, and we would not be able to have any sorts of decisions anyway. So there are two contradictory principles here, and I appreciate those who suggest that perhaps the MLAs should make the decisions.

My experience has been that most people are saying they want a change from that system. They want anybody but the MLAs to make the decisions. I would note that one review took place in British Columbia where the one thing they did, they asked

members of the public on the question of an independent commission, and this was not an independent commission itself, and the one thing they said that was unanimous was the idea of an independent commission. I believe the numbers were in the range of 90 percent plus, both of the public and of MLAs. I think that is where the consensus comes in terms of this bill.

I really think it is important to put on the record, too, that I, quite frankly, do not know what the result will be. There may be increases, decreases. There are also aspects in here that deal with disclosure. What are legitimate types of expenses that should be covered? In fact, Mr. Chairperson, I think it should be pointed out that the commission has a free hand on virtually everything. We have not, for example, referred the existing structure of pensions, severance pay or salary. Essentially, we have frozen all those items. The commission could come back with a pension plan or with no pension plan, with severance pay or no severance pay, with salary or no salary, I suppose.

The potential for this commission to make decisions is fairly wide-sweeping and unlimited, and I think that is the assurance that members of the public have that there is no other agenda in this case, because we have not isolated one item and left out others. In fact, I would say we have included some items that, arguably, are of no financial benefit to MLAs in terms of constituency allowances, in particular, the reason being, though, I think, is we want to end any sense that there is any conflict that takes place in the setting of these particular issues, Mr. Chairperson.

I think the commission is—and, in fact, four of the five individuals who have been contacted, I think, will provide a cross section. I think the important thing is public input. It is really the first example of this kind, certainly the degree of binding decision making in place, but also it is, I think, probably the first Legislature that has really sent everything to an independent binding commission. I think that is something that should be noted on the record.

I, quite frankly, for the record, want to state that I do not know what the decision will be. I really, quite frankly, do not want to know what the decision will be. All I want to know, and I speak for all MLAs, is—the difficulty I have had when I get questions in terms of our existing structure. Everybody comes down to one bottom line, everybody I have talked to. Whenever there has been a newspaper article



on pensions or allowances or salaries, people usually come back to me, and they say, but you know, whether it is fair or not, whether it is appropriate or not, you make the final decision; as a member of the public, I do not have that ability.

In fact, there are very few people out there who set their own salaries, I would say virtually no one. I think one of the presenters earlier, and I know her conclusion was different, struck a cord with myself in the sense that, quite frankly, as an MLA, I would rather be in the same position as other people, of having someone else set the salary, regardless of what the result is, someone else set the pensions, someone else set the benefits. Quite frankly, I feel a lot more comfortable, as a member of the Legislature, dealing with people who go through that on a daily basis than I do currently, and I think that is the intent here.

In fact, I will say publicly on the record, there is no hidden agenda. I do not think there is any goal that we have other than having a fair process and a fair system in place for remuneration, including salaries, pensions, benefits, severance pay, everything. That is the sense, certainly, with which I know our caucus approached this bill, and I think I speak for all 57, oh, 56, pardon me, 55—we are losing a few—55 members of the Legislature.

That is why there is the unity, not because there is any hidden agenda. I think it is because we are all in the same situation. We want to be treated the same as members of the public, and this is about the only way we can do it.

Thank you, Mr. Chairperson.

\* (1430)

**Mr. Lamoureux:** Mr. Chairperson, I want to add just a few words because I, too, had the opportunity to speak in second reading on this particular piece of legislation. I really do believe that there is no such thing as a perfect way, the ideal way, of handling this particular issue. I also very firmly and strongly believe that the process we are entering into now is far better than the current way or the way in which MLAs and politicians as a whole have dealt with salaries and perks and benefits, if you like, in the past.

None of us who are inside this room will have any increase or, in fact, decrease. This is something that will not take effect until after the next provincial election. In itself, I believe that the individuals who have been appointed, the four thus far, are, in fact,

representative of the community as a whole. We have to have some faith in this system, in allowing this to proceed ahead. I do believe this is, by far, much better than the way we are currently doing it, very much so.

Thank you.

**Mr. Santos:** Thank you for giving me the opportunity, Mr. Chairperson, not being a leader in the Assembly or in the House, but a simple backbencher. I appreciate the opportunity to express some opinion on the issue.

The only issue I am contesting is the negation of legislative power for two years, where the Legislature cannot, without violating the very statute that it passes, change whatever regulation the commission might come up with. If the Legislature will be forced to violate its own statute, I do not see how we can expect any other citizen to accept our own statutes.

I think it is essential that the word "shall", which is mandatory, should be changed to "may" in Section 52.20, but since I have not vetted this proposed amendment to my caucus—and I try to follow all the rules as much as possible, because I am bound by the majority in caucus. I am bound by the majority in the Legislature, but they cannot bind my expression of sentiments and opinion when the Legislature, itself, is losing its very authority as a Legislature.

My only concern is that particular point, that it should not be mandatory that the Legislature be deprived of its own authority and last say in any issue of a public nature, particularly the very issue affecting the members of the Legislative Assembly.

I will be waiting for the appropriate time to propose that amendment, but if this is the proper time, I need some direction.

**Mr. Chairperson:** Just as a matter of clarification, when the bill is going through clause by clause, that is, specific clauses, that is when amendments are put forth at that time, and amendments have to be written and in both languages for presentation.

**Mr. Ashton:** Yes, also, there is report stage and third reading.

**Mr. Chairperson:** Yes, and also the amendments can be made at report stage and at third reading, that is right. The bill will now be considered clause by clause.

During the consideration of a bill, the Title and the Preamble are postponed until all clauses have been considered in their proper order by the committee.

**Mr. Ashton:** I believe we should proceed. I am not sure, but from the comments of my colleague, the member for Broadway, I think his intent was to raise the concern, certainly to have a possible amendment drafted. My understanding would then be that if he wants to introduce it in the House, it could be introduced in report stage or third reading.

**Mr. Santos:** Mr. Chairperson, I said I am the only one who probably is persuaded in this regard, in preserving the integrity of legislative authority, but I am waiting for the proper procedure and direction.

I may be vetoed at any stage of the process, and I do not want that to happen. That is why time is of the essence in any law-making body, and I take the risk, of course, that this will be rejected if it is not reasonable.

**Mr. Chairperson:** I will then proceed with clause-by-clause consideration of the bill.

**Mr. Manness:** Mr. Chairperson, I hear a member of the Legislature wanting to make sure that he understands his right as to when to introduce an amendment.

As Mr. Ashton has stated, it is either when the clause is called or at report stage in the Legislature. Those are the two times. I do not think it can be any clearer to the member for Broadway. I just do not want it to ever be said that this committee did not provide an opportunity or that the process was in any way frustrated.

**Mr. Santos:** If I fail at this stage, can I try again at the second stage?

**Mr. Manness:** At report stage.

**Mr. Ashton:** Mr. Chairperson, the more appropriate time would be report stage, since I do not believe the member for Broadway is a member of the committee. I mean, we can move it by courtesy, but the normal time for any member of the Legislature would be really at report stage.

**Mr. Chairperson:** That is a very good point. It has been brought to my attention that the member is not a member of this Standing Committee on Law Amendments, therefore his amendment cannot be entertained at this particular time.

So the member's motion at this time is out of order, but as has been indicated, there is an appropriate time that it can be introduced again during report stage and third reading for this particular amendment—[interjection] Report stage, pardon me, yes. At report stage.

**Mr. Santos:** Mr. Chairperson, if that is the rule, you know I abide by the rule. I try to do everything as long as I will not be gagged in trying to explain why this should be so.

**Mr. Chairperson:** As mentioned, we will now proceed with clause-by-clause consideration of the bill.

Clauses 1-4 inclusive—pass; Clause 5—pass; Clauses 6-20 inclusive—pass; Preamble—pass; Title—pass. Bill be reported.

The time being 2:40, committee rise.

**COMMITTEE ROSE AT: 2:40 p.m.**