

**SUBMISSION:**  
**To The Law Amendments  
Review Committee on Bill 37**

**‘The Lobbyist Registration Act & Amendments to the  
Elections Act, the Election Finances Act, the Legislative  
Assembly Act & the Legislative Assembly Management  
Commission Act’**



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## **INTRODUCTION:**

The Manitoba Chambers of Commerce is the umbrella organization for Manitoba's Chamber movement. With a membership comprised of 75 local chambers and 350 direct corporate members, in total we represent over 10,000 businesses across Manitoba.

Our membership is not confined to any specific region within Manitoba. Nor do we represent only one size of business. In fact, the Manitoba Chambers represents the entire spectrum of business, from sole proprietorships to some of the largest companies in Manitoba. Nor do we represent only one particular sector of the economy. To cite but a few examples, our membership includes representatives within services industries, manufacturing, transportation, mining, information communication technologies, and agriculture.

The Vision of the Manitoba Chambers is as follows:

- Policy development that brings together businesses of all sizes, from all sectors, and communities across Manitoba;
- Non-partisan public debates of integrity, that criticize government where necessary, praise government where warranted, and disdain personal attacks and exaggeration;
- A business community that demonstrates high ethical standards in all it does;
- Businesses dedicated to the vitality of their communities, the prosperity of their employees and the sustainability of the environment;
- A province that understands the nature and value of entrepreneurship and promotes the competitive enterprise system;
- A provincial government with sound, long-term economic strategies that are focused without ignoring opportunity, flexibility and diversity;
- Government policies and spending that are efficient and effective, delivering the programs that Manitobans need and helping the disadvantaged; and
- A Manitoba that promotes the progress of all its citizens toward individual freedom, dignity and prosperity, and opposes any form of negative discrimination or needless control.

The Manitoba Chambers appreciates the opportunity to present its views in relation to Bill 37.

## **SUBMISSION:**

### **1) The Elections Amendment Act**

We applaud the government for its decision to move to fixed election dates.

The Manitoba Chambers' advocacy mandate is largely set by local chambers voting on Resolutions at our Annual General Meeting. As fate would have it, our recent AGM saw our membership pass a Resolution on fixed election dates:

#### **SET ELECTION DATES**

Preamble: In 2001, British Columbia became the first province in Canada to adopt legislation setting provincial election dates, and in 2005, it was the first province to hold an election on a set date.

The federal government and Ontario, Newfoundland/Labrador, PEI, New Brunswick and Saskatchewan have since adopted similar legislation, setting a four-year timeframe for elections (the month varies). This is similar to what is already in place for municipal elections in Manitoba and many other jurisdictions.

#### Resolution: **That the Government of Manitoba:**

- a) amend the Legislative Assembly Act to set elections so that they occur on a fixed date every four years, preferably on the second Tuesday in May, notwithstanding successful non-confidence votes; and**
- b) make a provision, should there be a conflict with a day of cultural or religious significance or a federal election, for the Chief Election Officer to recommend an alternate polling day.**

While there is a slight difference in the specific date suggested, it is a matter of little import and does not affect our support for the proposed legislation.

One matter that does raise concern is section 49.1 (2) (a), as we do not understand why the legislation would not apply to the current term of this administration.

### **2) The Lobbyists Registration Act**

Unfortunately, we have not had the time to review this legislation in-depth or compare it to other jurisdictions.

That said, our reading of the bill does raise some concerns.

We do believe this Bill could be improved by further enhancing the transparency by reducing the groups and or persons that would be considered exempt.

That could be done simply by following the list of exemptions that are outlined in the Federal Lobbyist Registry Act which would in essence delete subsections (e) and (k) in 3 (1) under the Non Application of the Act section.

In addition we would suggest following the Federal Registry Act list of exemptions when it comes to oral and written submissions. This would result in the deletion of subsections (c) and (e) in 3 (2) under the Non Application of the Act section

We are also concerned about section 3 (2) (c), which excludes submissions that are “made to a public official by an individual on behalf of a person or organization, in direct response to a written request from a public official for advice or comment on matter”.

Clearly, Bill 37 is intended, in part, to expose undue influence or at least ensure that undue influence does not occur.

It seems likely that any public official that is under the sway of an entity would seek out that entity’s advice. Therefore, the exemption created by section 3 (2) (c) would provide an easy way to circumvent the intent of the legislation. While it is true that there would at least be a paper trail due to the need for a “written request”, it will not have the degree of public exposure that other lobbying activities falling under the act will have.

### **3) Annual Allowance for Registered Political Parties**

We are deeply troubled that this government wants to reach deeper into the public coffers to fund its campaigning.

Credit where credit is due, the Manitoba branch of the Canadian Taxpayers Federation recently articulated these concerns quite effectively in a May 22, 2008 Op-Ed in the Winnipeg Free Press. We set out the commentary in full:

#### **Screwing the Tories -- and the taxpayers**

By: Colin Craig

Manitoba now has a "vote tax." Yes, just when you thought the NDP government had taxed everything, they have decided to tax us when we vote.

The NDP government has introduced a bill that would give political parties \$1.25 for each vote received in the 2007 provincial election. Considering that they're making the funding retroactive, it's kind of like betting on a sporting event after it has taken place.

As you can imagine, the losers in the whole "vote tax" scheme are the taxpayers of Manitoba whose tax dollars will involuntarily be used to hand \$1 million to the NDP, \$264,000 to the Liberals and \$800,000 to the PC party over the next four years.

Before simply swallowing their jagged little pill, let's consider why the NDP government is introducing a vote tax. In 2000, the NDP government brought in a bill that banned corporate and union donations. While that notion may have sounded honourable to some, it didn't to the NDP youth wing.

In a party newsletter from 2000, a member from the NDP Youth wrote of a December 1999, closed-door party discussion about banning corporate and union donations.

The young New Democrat described the proposed election changes as being motivated by a "screw the Tories" mentality. The author went on to describe Gary Doer as repeatedly "referring time and again to the amount of money the Tories stood to lose" by banning corporate donations and how the NDP could withstand not receiving union donations. So much for honourable intentions.

Well, eight years later, the joke seems to be on them. Although the NDP out-fundraised the Conservatives during the first five years after the "screw the Tories" legislation was passed, according to Elections Manitoba the Conservatives raised more money than the NDP during the last two years. In fact, last year alone the PCs raised considerably more funds than the NDP -- \$2 million to \$1.4 million.

Now you can see why alarm bells are going off in the NDP caucus office. Despite the "screw the Tories" legislation, the NDP is raising less than the PCs and we the taxpayers are expected to help them out. So much for politicians having to look voters square in the eye and ask for a voluntary donation.

Let's consider the tax dollars that political parties in Manitoba are already receiving. First, donors to political parties are given generous tax receipts for their contributions. For example, if you give a \$100 donation to a political party, you'll get \$75 back from the government at tax time. However, if you chose to donate \$100 to a charity like the Winnipeg Humane Society, you would only get \$15 back.

The other way political parties receive taxpayer support is through their expenses. Each election, political parties in Manitoba are reimbursed for 50 per cent of their election expenses. Given all of their current tax support and the fact they raised almost \$7 million over the last eight years, one has to wonder how much our politicians need?

Perhaps one of the most offensive aspects of the whole scheme is the fact that the NDP has pegged its \$1.25-per-vote funding scheme to inflation. By doing this, it's almost as if New Democrats are thumbing their noses at us taxpayers. You see, they still haven't adjusted income tax thresholds to inflation. The result is that Manitoba taxpayers are forced to pay millions of dollars each year in additional taxes.

Nice to see they have their priorities straight.

Colin Craig is provincial director of the Manitoba Canadian Taxpayers Federation.

### **CONCLUSION:**

It is unfortunate that this government has seen fit to meld together a complex series of reforms that strike at the heart of our democracy but has left so little time for a full and comprehensive analysis and public discussion.

If the government is insistent on carrying through with Bill 37 rather than deferring it for further study and consultation, we respectfully submit that the following changes should be made:

- a) include the current term of this administration in the fixed election legislation;
- b) follow the list of exemptions that are outlined in the Federal Lobbyist Registry Act which would in essence delete subsections (e) and (k) in 3 (1) under the Non Application of the Act section.
- c) follow the Federal Registry Act list of exemptions when it comes to oral and written submissions. This would result in the deletion of subsections (c) and (e) in 3 (2) under the Non Application of the Act section
- d) remove the written submission exemption in the lobbyist reforms; and
- e) remove in its entirety the annual allowance for registered political parties contemplated in section 70.2.