Open Government Initiative

Wednesday, January 13th, 2016

Brian Pallister,
Leader of the Official Opposition
“The main responsibility for setting an ethical tone within any workplace rests with senior management.

Ultimately, regardless of the policies put in place, the ethical standards and tone that is demonstrated at the senior levels of the organization is reflected throughout the entire organization.

This constitutes ‘tone at the top’, and its impact on the overall ethical climate within the workplace cannot be overstated.”

Contents

A Message from Brian Pallister ................................................................. 1

1. MLA Accountability & Public Confidence ........................................... 2

2. Protecting Tax Dollars from Partisan Politics ................................. 3

3. Strengthening Democracy .................................................................. 5

4. Open Government ............................................................................. 6

5. No More Secret Contracts & Payouts ................................................ 8
A Message from Brian Pallister

Manitobans value trust.

We give our trust and we expect it to be given back through open, clean government. Sadly, that is not what we have today.

Your new Progressive Conservative government will restore Manitobans’ trust and return integrity to their government. Open, accessible and ethical government is what Manitobans expect. We believe it is what they deserve.

It is as much a journey as it is a destination that will require constant effort and a new way of thinking from a party ready to achieve these goals. And it will require the support of all elected officials, independent officers of the Legislature and our professional public civil servants.

It must be guided by the principle the government is not owned by elected Members of the Legislature, but rather by Manitobans.

The openness of government must reflect the fact that elected officials are simply the caretakers of that which belongs to Manitobans. The accessibility of government must be held to the standard that without the ability to access government, nothing is truly open. The ethical standard that we establish must be one that is leading and not lagging the nation.

We believe Manitoba is home to the most ethical, open and caring people in Canada. Its government should be a reflection of these Manitoban values.
1. **MLA Accountability & Public Confidence**

Trust and accountability must begin in the Manitoba Legislature and that means with its elected members.

Too often, Manitobans have seen rules broken by government MLA’s with just a slap on the wrist or no repercussion at all. Manitobans have been forced to stand by and watch the very people who make laws, get away with breaking them.

Manitobans should expect their government leaders to lead by example. When that trust is broken, there needs to be a real mechanism to ensure accountability.

Accountability and public confidence also requires that appropriate checks and balances exist. The Auditor General provides an important check on government operations and spending. Currently, the Auditor General is required to hire its staff through the provincial civil service and treasury board secretariat. These are the same government departments’ the Auditor General is then asked to conduct audits on, creating a perception of conflict and eroding public confidence.

**A New Progressive Conservative Government will:**

1) Establish a Conflict of Interest Commissioner with the power to investigate alleged MLA breaches of conflict legislation and recommend appropriate dispositions to the Legislative Assembly. The Commissioner will have the powers and privileges of a commissioner under The Manitoba Evidence Act and will be able to take complaints directly from the public.

2) Allow the Auditor General to hire auditors independently, as requested by the Auditor General.
2. Protecting Tax Dollars from Partisan Politics

Manitobans work hard for their money to support themselves and their families. They expect the money they pay in taxes will be used to provide the important services they and their fellow Manitobans rely upon. Services like timely and quality healthcare, good roads and an education system that prepares their children for the future.

Every dollar that is wasted by government is a dollar that doesn’t go to these or other priorities. Under the current NDP government, we have seen these hard earned tax dollars used to support partisan political operations and advertising. This needs to stop.

The current government has spent millions of dollars on “Steady Growth” signs serving no purpose other than to boost a failing government. When every dollar counts that money could have been used for students in classrooms or seniors in hospitals.

Unfortunately, this also extends to taxpayer-funded mailings by Members of the Legislature. Dollars should be used to inform constituents of their activities, not to provide misleading information about their political opponents.

Crown Corporations that operate as a monopoly are not required to advertise who they are when everyone knows they are the only organization offering the service. This is a waste of valuable resources. Advertising by Crown Corporations who hold a monopoly should only be allowed if it carries out a specific business or social objective, not just to build their brand.

Manitobans have had to watch as their tax dollars flowed directly into the pockets of the NDP and Liberals in the form of an annual per voter subsidy – the Vote Tax. Since 2012, $1,071,864 has been paid to the NDP, Liberals and Green Party; 78% of the total payout has gone to the NDP.

The Progressive Conservatives have refused to take this money each and every year, returning hundreds of thousands of dollars to Manitoba taxpayers. We believe support for political parties should be based on voluntarily contributions, not the Vote Tax.

It’s time tax dollars are protected from partisan politics.
A New Progressive Conservative Government will:

3) Empower the Auditor General to review all government advertising to ensure that it is non-partisan and information-based only.

4) Allow advertising by crown corporations operating in a monopolistic environment only to focus on a specific business or social objectives and not engage in simple branding.

5) Eliminate the per vote subsidy to political parties (the vote tax). It will be eliminated in 2016, retroactive to the start of the calendar year.

6) Ensure that MLA mail outs and publications adhere to non-partisan publication rules.
3. **Strengthening Democracy**

The engine of our democracy is elections. The right to participate in fair elections and to ensure that every Manitoban has a representative to be their voice in the Manitoba Legislature is at the heart of what so many Manitobans have fought and sacrificed for.

In this year where we celebrate the 100th anniversary of women earning the right to vote, we are reminded of the importance of voting and having rightful representation in the legislature.

Manitobans have seen repeatedly over the past decade election laws broken by the NDP with little or no consequence. Not only have these violations gone without any penalty, there is very little accountability to the legislature for these breaches. Even the simple act of being able to ask questions of the Commissioner of Elections at a committee of the Legislature has been forbidden under the NDP.

The timing of general elections and by-elections remains a political toy of the premier. Vacancies in the Manitoba Legislature have gone unfilled for up to a year under the NDP while important decisions have been made involving spending and services affecting those constituents. That means thousands of Manitobans were left without a voice on these critical decisions.

At the same time, while Manitoba has fixed date elections, which are meant to prevent abuse by the government and premier, there is no provision preventing them from calling unusually long or unusually short elections for partisan political advantage. A fixed election period is necessary to make fixed date elections work the way they are meant to work.

Our democracy is one of our most valuable institutions we have as Canadians, and a Progressive Conservative government will ensure it is strengthened.

**A New Progressive Conservative Government will:**

7) Ensure that all by-elections are called within six months of a vacancy unless they occur within one-year from a general election.

8) Establish a fixed election period as recommended by Elections Manitoba so that the start date of the election is known while adhering to the current fixed Election Day act requirements.

9) Permit the Commissioner of Elections to appear at the annual Elections Manitoba Legislative Committee to respond to questions regarding the ethical conduct of elections.

10) In consultation with the Commissioner of Elections, amend provincial election legislation to provide sanctions for violation of election rules.
4. Accessible Government

The Manitoba Legislature and government belong to all Manitobans. It is the People’s House. From the Legislature building itself, to the information it holds, it is Manitobans who are the true owners.

Government rightly and legitimately collects information to make decisions. But information that is collected by the government, and which is not personal or confidential, should be made much more accessible to Manitobans.

While Manitoba has a Freedom of Information system, too often under the NDP it has resulted in publicly important and relevant information being blacked out, delayed or withheld all together. This has resulted in several investigations of the government by the provincial Ombudsman on this repeated failure to release information that should be publicly available.

Information that belongs to Manitobans should no longer be held to either benefit government in a partisan way or to protect it from scrutiny and accountability. This requires both a legislative change and a cultural shift toward open government. Movement toward presumptive disclosure of information, which does not require a freedom of information process, is to the benefit of all Manitobans. An Open Data policy that makes information freely available, easily accessible and machine-readable both improves transparency and benefits innovation and commerce.

The greatest symbol of our provincial government is its Legislature. Open government must begin here. While the Manitoba Legislature is the seat of government and the arena for political debate, its use must benefit all Manitobans and not simply the government of the day. We are blessed to have the most beautiful Legislature in all of Canada. It must be run in a way that ensures all Manitobans, regardless of their political beliefs of affiliation, see it as ‘their House’.
A New Progressive Conservative Government will:

11) Create an Open Data portal to provide government collected data, that is non personal or confidential, in an accessible, machine readable and free basis.

12) In consultation with the Manitoba Ombudsman, strengthen access to information including the creation of a proactive disclosure system for a variety of types of information and documents that are currently only available through Freedom of Information application processes.

13) Ensure taxpayer paid public opinion research is free from political manipulation and serves the interests of those who paid for it by requiring it be disclosed publicly within six months of being received by government.

14) Transfer authority for the use of the Manitoba Legislature and grounds from Manitoba Infrastructure and Trade to the non-partisan Speaker of the Legislative Assembly.
5. No More Secret Contracts & Payouts

All governments pay for goods and services, whether that is the employment of staff that work for the government or goods and services that government purchases. But each of these contracts or purchases is paid for with taxpayers’ dollars and with that comes an expectation of transparency, value for money and fairness.

When government enters into a contract for a good or service it should almost always be tendered. That is, it should be open for anyone who provides those goods and services to make a bid. That’s just smart shopping and Manitobans are smart shoppers.

However, the NDP have not been shopping smart. Their increased reliance on untendered contracts, in the hundreds of millions of dollars, without proper disclosure and without following government legislation, means Manitobans are paying more but getting less. It also creates the perception there is favouritism in the contract awarding process.

Untendered contracts should be the exception, not the rule. In the uncommon cases where a contract is untendered, there needs to be disclosure of the contract as well as a justification for the action and the price paid. The NDP have, for years, ignored these basic principles.

Similarly, when the government hires political staff, it needs to be with an understanding at the outset, what the terms of those contracts are, not just the expected salary, but any payments that will be paid upon departure.

Manitobans were on the hook for almost $700,000 in secret political payouts following the NDP leadership revolt as Premier Selinger negotiated payouts to staff who did not support him. He refused to disclose how the “mutual separation” payouts were negotiated or how much each political staff person received. Manitobans shouldn’t have to pick up the tab to clean up the Premier’s mess and then be kept in the dark.


“We were told that the minister subsequently directed MIT to prepare a Treasury Board submission that recommend purchasing $5 million of Tiger Dams for IRTC though an untendered contract”.

“Individuals we spoke with at MIT indicated that departmental staff did not agree with waiving a competitive procurement process.”

“The evidence indicated that the political level of government did not just set the policy direction in this case, but also initially directed the manner in which the procurement of flood-fighting equipment should occur (i.e., an untendered contract).”

Media response to the evidence presented in the Ombudsman report.

“Flat out, what Mr. Ashton did was conduct unbecoming of a minister of the Crown. He is unworthy of public trust. His actions were never reviewed under a code of conduct for MLAs and ministers. But the smell of betrayal — of his duties to his office, his departmental staff and the taxpayer — is sickening.

He is unworthy of office. And yet he sits there, in the front bench. In fact, he was reappointed by the premier after resigning temporarily in late 2014 to run for Mr. Selinger’s job.”

Winnipeg Free Press, Jan. 8, 2016
A New Progressive Conservative Government will:

15) Create a culture of smart shopping by ensuring untendered contracts are truly the exception and are used only in exceptional circumstances.

16) Allow the Auditor General to conduct random audits of departmental use of untendered contracts to ensure their use is exceptional and that all legislation and regulations are being complied with to ensure transparency and accountability.

17) Restore in legislation mandatory monetary reporting triggers and disclosure requirements concerning untendered contracts as well as disclosing the date on which untendered contracts are entered into.

18) Require that any severance for political staff be known at the time of hiring, publicly disclosed, and form part of the terms of employment.