Interview with Kelvin Goertzen*

KELVIN GOERTZEN, BRYAN P. SCHWARTZ, DARCY L. MACPHERSON, AND SELENE SHARPE

Bryan Paul Schwartz (BPS): Let me begin with your experiences as Minister of Health. I ran into a former Minister of Health[1] from the other major party in Manitoba[2] a number of years ago. I said, "You must get a lift every day you wake up and realize that you are no longer Minister of Health." [Smirks] My sense is that it's a lot of accountability with very little actual power. That's what I want to explore here. I mean, I might not have that correct, there might be a matter of degree [in terms of power].

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* Interview conducted by Dr. Bryan P. Schwartz, Professor Darcy MacPherson, and Selene Sharpe over more than one day in 2023.

Since 2003, the Honourable Kelvin Goertzen has served as the Member of the Legislative Assembly of Manitoba for the Steinbach constituency. Since being elected to government, he has been served several senior roles. He has previously served as the Minister of Health, Seniors and Active Living, the Minister of Education and Training, the Minister of Legislative and Public Affairs and has been the Minister responsible for Immigration. He served as the 23rd Premier of Manitoba in the fall of 2021 following the resignation of the Honourable Brian Pallister. During that time, he also served as the Interim Leader of the Manitoba Progressive Conservative Party. In addition, Kelvin Goertzen has served as the Deputy Premier of Manitoba. He has had an active life in the community, earning him many awards including the H.O.P.E Medal of Honour by the Lions Club of Manitoba, the Queen Elizabeth II Diamond Jubilee Medal, the Queen Elizabeth II Platinum Jubilee Medal and the King Charles III Coronation Medal from the Governor General of Canada. Goertzen holds a Bachelor of Arts in economics, a Bachelor of Commerce, and a Juris Doctor degree, all from the University of Manitoba.

1 The Minister of Health, Seniors and Long-Term Care is the cabinet-level head of Manitoba's healthcare system, responsible for developing health policy, allocating funding, and overseeing regional health authorities. On October 18, 2023, the Honourable Uzoma Asagwara was sworn in as the current Minister of Health, Seniors and Long-Term Care, as well as Deputy Premier of Manitoba.

2 Likely a reference to the New Democratic Party of Manitoba.

Health has become, by far, one of the most important parts of provincial government spending and decision-making at all levels. Governments stand and fall based on how well they manage it. Of course, we're coming out of COVID.[3] On the other hand, it seems to me that the system is largely managed bureaucratically by the Regional Health Authorities[4] and any successors and not politically run. Some of us think that the system should be managed in an impartial and technocratic way, others that the government should respond to public opinion about how the system works.

When you were Minister of Health, what was your sense of what a Minister of Health or the Cabinet can actually do in relation to health care, rather than the permanent bureaucracy?

KG (Kelvin Goertzen): When I was the Minister of Health,[5] we were undertaking significant reforms. We were an activist government when it came to health care. Part of that was coming out of the Peachey Report,[6] which had been commissioned by the former government and which I really only became attuned to a few months into the role. In fact, I think I was in Toronto at a Health Ministers' meeting and a gentleman approached me in the hotel. He said, "I'm doing some work for the provincial government on health. It started under the former government. You're going to be seeing it soon." And that was Dr. Peachey, who I had not heard of until that point.

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3 COVID-19 first arrived in Canada on January 25, 2020. The World Health Organization announced that the pandemic was no longer a global threat in May of 2023.

4 David Peachey *et al.*, *Provincial Clinical and Preventive Services Planning for Manitoba: Doing Things Differently and Better – Final Report* (Calgary: Health Intelligence Inc. and Associates, 2017) available online: <gov.mb.ca/health/documents/pcpsp.pdf> [https://perma.cc/UG8Q-4W6U].

5 Goertzen was the Minister of Health from May 3, 2016, to August 1, 2018, under the Progressive Conservative government of Brian Pallister.

6 This refers to a 2017 report commissioned by the Province of Manitoba, authored by Dr. David Peachey. It outlined weaknesses in Manitoba's health care system and provided recommendations for reform.

I was still becoming immersed in the department and trying to figure out the lay of the land. Of course, when you hit the ground running at Health, you're running at 100 miles an hour. That was my first interaction with him [Peachey]. Then, a couple of months later, he came to Manitoba and made the presentation on the report that he'd been working on. I believe it would have been for at least a year or two at that point.

We took an activist approach in terms of trying to better the health care system. The challenge in health is that even when you're trying to make it better, there are still going to be problems. Once you start to try to better the system, you then take ownership for everything that is a problem. While it might have been a problem even if you hadn't made changes, a lot of people assume that every problem is because of the changes [the current government has made]. But at the time, the Premier[7] was very determined to try to better many parts of government. Among those, health was key, because its 50 percent of your budget[8] and about 75 percent of your emergencies and just about 100 percent of your politics in any government.

So, how much control do you have over it? We tried to take a very strong approach in changing things. We inserted ourselves in that, but then we also knew that there were certain things we couldn't do under the *Canada Health Act*[9]–those sorts of things that are governed federally[10] – but we did push those, along with other provinces. I learned really quickly as health minister two things. One is that, as you mentioned at the beginning, Bryan, it is a bit of a club. I got phone calls from former Ministers of Health, both Conservative and NDP[11] health ministers and all sort of said

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7 Brian Pallister was Premier of Manitoba at the relevant time. Pallister's tenure as Premier lasted from May 3, 2016, to September 1, 2021.

8 Health expenditures in Manitoba's 2017-2018 budget amounted to $6.681 billion, representing approximately 39% of expenditures.

9 *Ibid.*

10 Jurisdiction over health care matters is split between the Government of Canada and provincial legislatures in Canadian constitutional law.

11 The New Democratic Party of Manitoba is on the left side of political spectrum, and it has formed government for significant periods of time in the last four decades.

the same thing, "You're in for a real tough time. It's going to feel very lonely. Some of it can be very emotional. Here's my number, feel free to give me a call anytime." Again, these are both parties, my former Conservative colleagues in the Health portfolio and NDP members who are phoning me and saying this. That was my first indication that this is going to be something significant, but there are people there to help you.

The other lesson is that when I got to the health ministers' meetings with other provinces, and we met quite often, was that everybody is dealing with the same problems. It doesn't matter which province you're in. The solutions are a little bit different, but everybody really has the same issues and problems. So, a lot of the political stuff falls away pretty quickly when you recognize that. There are certain things you can't control, for sure, that the system kind of manages, but we were pretty activist. We were trying to make improvements to the system which involved big changes.

BPS: When you were just there, for example, centralizing more. Centralizing emergency systems,[12] you know, I'm guessing you know, at the time if it doesn't work, I'm going to be accused of being responsible for deaths, right?

KG: Yeah, that's one of the things I heard from health ministers that I had talked to, some who had undertaken health reform at different times in different parts of the country and with different governments, different political stripes. They all said the same thing, that this is going to be defining for your career in some ways and it probably will not define it well, because with systems that are so large; there is always a challenge. There's a lot of emotion around it and there's always going to be challenges and problems in the health care system. Once you start to look at making changes, you own all of those problems. The easiest thing for a government to do is sort of say "we're just going to tinker around the edges and not really do much. The system will continue to have its challenges, and we'll blame the previous administration for as long as the

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12 The Peachey Report noted that Manitoba's health care planning and administration was split between regional health authorities. It argued that this resulted in inefficiency and fragmented delivery, and that provincial planning and management would improve the administration of the system.

people allow us to blame the previous administration." That's an easy sort of thing for a government to do, but our Premier was pretty clear, and I supported this, in saying that's not what is acceptable.

We had a plan in front of us that was commissioned by the previous government,[13] which spoke to the problems of people moving around the system way too much, about a deluded sort of personnel system around a number of different institutions where they couldn't manage any of them particularly well. It was a desire to improve the system, but no question Bryan, I knew early on and I'd heard this from previous health ministers in other jurisdictions that this was not only going to be the challenge of a lifetime, but also that it would be difficult to measure success with respect to it.

BPS: There's changing the system, and then there's micro-decisions within the system. Let me break that down a bit. One challenge that every system has is rationing and we don't like to admit it openly. We do some of our rationing in more indirect ways, like wait time. There isn't a system in the world that has public investments that does not involve rationing of some sort. Every public system is doing it in trade-offs. How much do you spend on health versus something else, like how much do you raise taxes to pay for the system? You've only got so many resources, so how do you distribute them? That's always going to be a challenge for any government under any circumstances. Under the *Canada Health Act*,[14] you have the constraint of the federal government with less-than-complete cash advance but nonetheless having tremendous control over the system envelope. Were there experiments you wanted to do in having more private choice in the system that as a practical matter that you couldn't do because of feedback from the feds and potentially withdrawing some of the federal health money?

KG: Yeah, absolutely. In fact, I had spoken pretty openly about the fact that you've got a system where the *Canada Health Act*[15] was essentially

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[13] This refers to the Peachey Report, which was commissioned by the preceding Selinger government, and taken into consideration by the Pallister government.

[14] *Supra* note 9.

[15] *Ibid.*

designed to ensure that every sort of medical procedure that happens at a hospital is partially reimbursed by the federal government and it's covered under the *Canada Health Act*. If you must have emergency dental procedures in the hospital, you get coverage. If you do it outside the hospital, you don't. So, we've got this system that was designed in the 80's to essentially try to move everything into the hospitals and that's where the *Canada Health Act* really kicks in.

Since then, all of the expertise and efforts have been to try to move things out of the hospitals because we know that there's a lot of sick people in hospitals and that's not always where you get your best outcomes. So, we've tried to move a lot of things into the community but most of those haven't been covered under the *Canada Health Act*.[16]

So that's part of the reason why we've gotten to this place where the federal government is only paying between 20 or 30% of the cost of health care. People can debate that amount, but it's certainly not 50/50. The provinces are paying somewhere between 70 to 80 percent and it's because we've moved things into the community–rightfully so, because you get better outcomes–and yet the Canadian health care system is based on having things in the hospital. At the time, Jane Philpott was the federal Health Minister, and I got along quite well with Miss Philpott. I really liked her personally and we had similar life experiences and backgrounds, but we disagreed very significantly on trying to test the system a little bit. One of the ones we talked about was private MRIs[17] as an example, as a matter of diagnostics.

It was something they were doing in other provinces, Saskatchewan specifically. We had a wait time that would have been the easiest one to address. For example, in Saskatchewan, I think what they had was a 2-for-1 system, where for every private MRI they did, they provided two into the public system[18]–I believe it was something like that. So, we were talking

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16 *Supra* note 9.

17 Magnetic resonance imaging.

18 Saskatchewan introduced a policy in 2016 where, for every private MRI scan performed, the provider would be required to provide an MRI scan to a person on the public

about, whether could we provide more choice in the MRI system. We got a letter from the federal government saying that, "We're going to withdraw part of your health transfers, as a result [if you make that change]." We didn't test it that far because, frankly, we just had so many other things going on and there's only so much capacity you can have in a system for change. But we were trying to look at different ways to add capacity into the system. To allow people some more choice. But really, choice was being offered in every other province. So that's not something that was radically new for Canada. It might have been new for Manitoba, but it was being done in other provinces, particularly Alberta and Saskatchewan. That's what we were hearing from people, that Manitobans were driving to Saskatchewan or driving to Alberta to get tests that they just couldn't get in a timely way in Manitoba.[19] Part of it was the practical reality of [the delay] being frustrating for folks. We just wanted to add some capacity to the system, and part of it was just needing to send the message to the federal government that things weren't working.

This was pre-pandemic, and I'm not suggesting MRIs would have had any impact on the pandemic. But, pre-pandemic, we were saying that the current system simply doesn't work. Post-pandemic, I think most Canadians acknowledge the current system doesn't work. There are lots of views on how it should be changed, but we were certainly ahead of the curve in saying, "This is not a system that is sustainable."

BPS: The idea that I've been thinking about is that the opposition to being able to use private resources for health care is that it will damage the public system.[20] We should reframe the question as "Are there ways we can make these systems mutually reinforcing, rather than competitive?" It

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waiting list. The policy was described as "two-for-one", as the person who paid for the private procedure and the person on the public waiting list would receive service at no cost to the provincial health care system. Jane Philpott requested that Saskatchewan put an end to the policy.

19 In 2016, the average wait time for a non-emergency MRI scan in Manitoba was 23 weeks.

20 The issue of health care privatization has been broached in other provinces. In Ontario, opponents to the privatization of hospital services have raised concerns that private facilities would siphon skilled staff and funding, leaving public facilities understaffed and in financial deficit.

isn't an ideological question we would ask of each particular initiative, such as if we allow people to pay for private hip surgeries, but that keeping specialists in the Province and keeping that money in the Province rather than being taken outside is the problem. Maybe that would actually benefit the public, but my thought is that we should have something like environmental assessment for the health care system.

If you're going to do something that allows private delivery of things that are ordinarily part of Medicare,[21] the government would have some sort of input process and some sort of review process. If the conclusion was that the private component would not damage the public system, you could do it. This meant that things would be decided on objective, empirical grounds rather than ideological grounds. Right now, it seems to me that we don't have that discussion, it is basically the third rail[22] in Canadian politics. I hear what the Prime Minister is saying which is "I'm not going to give any more money unless you get results," but those results still need to be within the constraints of the *Canada Health Act*.[23] It's still going to be about the only country in the world that doesn't have any kind of parallel private insurance system? Do you have any thoughts about whether we can have that discussion, or whether there's some ways forward that we could achieve that in Canada?

KG: Yeah, I mean, I sort of ended my two and a half or three years as Health Minister thinking that that discussion wasn't possible. You know, because you're right. We would say to people that they could use their Manitoba health card, but allowing private providers to come in. For example, discussing if we were using the Saskatchewan model to do exactly what you say, where for every one private MRI that was being allowed, to add two to the public system to add capacity to the system overall. So, everybody benefits, which to me seemed to be a message that should resonate. But it became very, very difficult to even message that.

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21 Medicare is an unofficial name used to refer to Canada's publicly funded health care system.

22 A third rail is an electrified rail that provides power to a train. In politics, it is a metaphor for a politically-sensitive topic.

23 *Supra* note 9.

Part of it is because there are so many things going on in [the Department of] Health at any given time that it's hard to message anything in a really defined way well. And also, because we live in a world of... I was going to say 30-second soundbites, but often it's probably-10-second soundbites, it's much easier for somebody to say, "Well, they're going to ruin the health care system," in 10 seconds than for a Minister of Health to try to explain why this was going to make the system better.

And, when people hear those two competing 10-second clips they are more likely to remember the one that evokes the most emotion for them. And usually, saying something's going to be ruined evokes the most emotion for people. I did leave after those two and a half or three years feeling that I don't know if this is a discussion that is going to be had.

Part of it was because the Health [Minister's] table at that time was just different. We had an NDP government in Alberta.[24] We had a Liberal government in Ontario.[25] So, the two largest provinces in Canada, had different sort of ideological feelings on some of these things.[26] It's changed, of course, since then, and I think the discussions are a little different. But obviously what's changed the most is due to the pandemic. I think that coming through this, Canadians know that what we had didn't work particularly well; [it] didn't necessarily perform particularly well. And they're interested in change, whether or not people can become focused and concentrated enough to enact that change, I don't know. I'm still not convinced of that.

I think there's an opportunity because there's an understanding now more than ever that this system isn't quite working and that it didn't perform well necessarily compared to other countries. And so, what does change look like? I do, of course, worry as these things always happen.

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24 The Notley NDP government was in power in Alberta from 2015 to 2019, until the legislature's dissolution.

25 The Wynne Liberal government was in power in Ontario from 2013 to 2018, until the Ontario Liberal Party suffered the worst electoral defeat of a governing party in the history of Ontario.

26 The left-wing politics of the NDP and the centre-left politics of the Liberal Party contrast with the centre-right politics of the Progressive Conservative Party

Time will go on and people will maybe forget about some of the things that happened in the pandemic over time. And I'm not sure if that means we lose that momentum for the opportunity to have the discussion. Part of the issue with the Prime Minister[27] is he would say it's all about the money. It's not just about money.

It's about having a discussion. He won't even come to the table for a discussion. Long before the pandemic, he promised to sit down and talk about, the *Canada Health Act*[28] and the equalization payments.[29] But, he hasn't done that in the long time since he's become the Prime Minister.

So, we can't even get the Prime Minister to sit down and talk about it. I'm sure Canadians probably look at that and wonder why is it that they [the politicians] can't talk about it. If this is so, how can we [as Canadians] talk about it?

But it is among the most difficult discussions to have with Canadians because we still have ingrained in us the belief that ours is the best system in the world. And there's lots to be said for the Canadian health care system. But clearly, over the last two years, it is not a system without problems, and it is not a system that is devoid of the need for reform.

Can we have that in a meaningful way that is beyond Twitter and 10-second sound bites? I don't know, but I certainly think we need to keep pushing to do that.

BPS: Yeah. The only way I can see a potential way forward, which would be this: the government is not going to do it at the federal level.

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27 The Prime Minister at the relevant time was the Right Honourable Justin Trudeau.

28 *Supra* note 9.

29 The equalization payments program is a tool used by the Government of Canada to address fiscal disparities between provinces. The program redistributes federal tax revenues to provinces of lesser fiscal capacity. The program is a point of contention in Western Canada, as British Columbia, Alberta, and Saskatchewan receive no payments.

Can the federal government see its way to allowing the provinces to experiment with new approaches within federalism,[30] where we see what works, what doesn't work? And the only way I can see at least the current federal government doing that would be some sort of mutual reinforcement principle; "We would allow you at the provincial level to do things that have private delivery and private payments if you can show that the new approach will actually not hurt – or even strengthen – the public system." So that would be the guiding principle so the federal government could have some comfort that we're not just opening the door to destroying the public system. So that is an idea I haven't articulated publicly before because I have the same sense of despair. If you put the ideas out to the public people will say "You want the American system,[31] you're neoliberal,[32]" just name calling and so on and so forth.

But the realities are that people think we have a public health system but we don't. We have a public system for physicians and hospitals. It's only a fraction of the health care sector. It does not produce as cost effective and favorable outcomes as many states do with comparable levels of spending. People are suffering and dying as a result. No, we are not the best system.

In fact, even the Romanow Commission,[33] after spending all that money just said, effectively: "Let's do more of the same and expand the system." Rather than doing any kind of original thinking. I'm trying to think of ways we can move forward.

KG: There have been former governments, largely Conservative governments,[34] that never formally said , "Okay, provinces, you can go

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30 Federalism in Canada defines the division of government powers between the Government of Canada and the provincial governments.

31 The American decentralized and largely privatized health care model.

32 Neoliberalism is an ideology that advocates for free-market capitalism and privatization. In this context, a neoliberal may support the privatization of Canada's hospitals.

33 See Commission on the Future of Health Care in Canada (The Romanow Commission), *Building on Values: The Future of Health Care in Canada* (Ottawa: Queen's Printer, 2002)

34 By the term "Conservative", we believe that the speaker is referring to both the current Conservative Party of Canada, as well as its federal predecessor, the Progressive

ahead and do some experiments." They just ignored some of it. So, Alberta, for example, is doing a lot more, I think, in terms of private delivery, even in a publicly paid for system.[35] And previous federal governments–not the current one–just ignored it. There was kind of a tacit approval. These provinces didn't get the threatening letters about taking away their transfer payments, which happened after the current government[36] got elected.

It's not inspiring that that previous federal governments turned a blind eye to provinces' actions. Also, allowing the provinces to do what they wanted generally doesn't produce any measurable sort of outcomes.

I think there has to be a more intentional discussion. Whether it is certain provinces being able to do things and experiments and reporting back [on] how it's working, etc. This has to occur where the individual province and their residents are willing to do it. The challenge is that health care has become less of a health care system and more of a political wedge at the political level and that's really concerning. I don't mean to say that the governments don't care, because I tend to have a lot of respect for all politicians of different political stripes, but they use it as a political wedge. They know that they can drive votes and they can drive emotion. Then, we get stuck in this system of it being a political talking point, as opposed to a practical discussion about how we improve the system, and the pandemic has demonstrated that.

BPS: There's a limit to what you can do in a centrally managed bureaucratic system. I see that at the University of Manitoba,[37] I believe

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Conservative Party of Canada. In addition, we assume that at the provincial level, the reference includes the United Conservative Party in Alberta and other Conservative and Progressive Conservative governments across the country.

35 Alberta is the first province to permit physicians to engage in dual practice; physicians may concurrently bill patients privately and bill the Province's public health insurance plan.

36 When this interview was conducted, the Progressive Conservative Party of Manitoba was in power.

37 At the University of Manitoba, matters of an administrative and business nature are governed by the Board of Governors, while the University's Senate governs academic matters.

our University of Manitoba is in need of fundamental reform, but its too big, bureaucratic, and centralized. You can change the players in the system, but until there is systemic change, there's not going to be any movement forward in a significant way.

I see the same thing with the health care system. My controversial thought is that in all these systems, education, health care, I think you need room for people to innovate, experiment, to find out what works for people, to leave room for choice, and allows providers to practice medicine [in a] different way. This way patients can see what works and what doesn't work and make their own choices.

But as with education, the health care system seems to be moving towards a more centralized and bureaucratic system. The NDP gets there because they believe in the effectiveness of government. And frankly, I think Conservative governments often get there because part of them is austerity; "We can't manage the budget. We're running deficits, we don't raise taxes. So, we're looking for eliminating duplication and overlap. So, for a different set of reasons, we ended up centralizing stuff."

The personal health care system now used to have a lot of faith-based contributions.[38] They've been largely driven out of this system in favour [of] government control. Government control is also a factor in university affairs. As long as the government is managing the health care system, it's going to want accountability from providers.

So, providers feel they're increasingly told what to do by bureaucrats. My view is that the left-of-center and the right-of-center provincial governments get to centralized bureaucratic management of the system using different routes but end up in the same place. And unless you can find some ways to provide more flexibility in our system for patient choice and provider choice, there are going to be severe limits to how much better the system is going to get. Do you have any thoughts on that?

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[38] Historically, faith-based organizations have played a significant role in health care systems, whether by contributing financial and volunteer resources, or by establishing health care facilities.

KG: But that's [a] rather controversial view. This will probably make me popular with nobody, but, yeah. I think what happens is because the system is so big, there's an inertia towards centralization, right? The system is almost so unwieldy that governments want to try to bring it in a little bit so that they have some ability to steer where it is going. Control maybe isn't the right word, but some degree of "hand on the wheel of where this is going," because ultimately governments are going to be responsible for answering for the problems that happen in the system.

And the Health Ministers are answering every day to challenges that are happening in the system, even though 99% of the things are going well. You don't really hear about those. As Minister, you [are] answering to all these different challenges that are happening in the system. So, you get this internal drive towards, "We need to get some control over this," and that often is about centralization because the scale of this [the Department of Health] is so large. Where you see more independence or the ability to do things more flexibly is in those smaller sorts of systems.

Now, it doesn't mean that in health care there isn't some amount of independence or flexibility that exists. We don't always talk about it. For example, I often mention that since the 1990's in the southeast corner of Manitoba, we have an agreement for those who live in that southeast corner, such as in the town of Sprague and other communities, who can go to the United States, I believe in either Roseau or Warroad, to use the State's healthcare system.[39] For example, they have their family doctors in those areas. Those systems have grown in those communities. They are providing more services, including emergency services and other services like cancer care services, I believe. In Manitoba there exists this pocket of individuals who are getting health care and have been for decades just over the border. This became a little bit of a problem.

During the pandemic, crossing the border wasn't that easy. So that had to be worked out. So, you do those pockets of innovation or experimentation that meet the reality of what is happening. The reality there was that those folks are too far away from provincial health care services. So, Gary

[39] The Altru Agreement allows Manitobans living in border towns, such as Sprague, to access health care in Minnesotan hospitals and have costs covered by the Province.

Filmon,[40] or under that government, made that arrangement., and it continued on under the NDP[41] and continued on under us, when government changed.[42] So, there are pockets of that innovation within the system, but it is so big that it's the challenge in health care and a challenge for the Minister of Health.

One of the things that a former Minister of Health told me in the first couple of weeks that I was Minister of Health was, "The challenge for you and the challenge for every Minister of Health is that you think you're the Minister of Health." And yeah, that's what it says on the door. But a good portion of your time is going to be dealing with labour issues. You're kind of partially the labour minister because that is where most of the labour challenges exist. And a good part of your time, is just dealing with your Treasury Board trying to get approval for certain things because half the provincial budget is health care.

So, you end up being kind of a mini-Finance Minister, in that way. Then you're dealing with the health care system. But it's so big that there is this feeling towards needing to get control over it. And control is often defined as centralizing. So, I don't disagree that you have more flexibility in the system at a local level which often yields better results. The challenge is how do to do that and still be a governing entity with eyes on the system.

BPS: Thank you so much for your answer so far Kelvin. I want to switch a bit to the micro level. My guess is that a Minister of Health often gets calls about a specific situation, something wrenching like a dying relative, or there being an experimental drug that sometimes works and isn't listed in Manitoba.[43] How much ability does a Minister of Health have to

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40 Gary Filmon was a Member of Legislative Assembly from October 16, 1979, to September 18, 2000, and Premier of Manitoba from May 9, 1988, to October 5, 1999.

41 Filmon's Progressive Conservatives were defeated by Gary Doer's NDP in the 1999 Manitoba election.

42 The Doer NDP government was followed by the Selinger NDP government, which was in turn followed by Brian Pallister's Progressive Conservative government.

43 The cost of a drug not listed in Manitoba's drug benefit program is not covered. In certain cases, Manitobans have requested the Province to cover the cost of some experimental drugs, or add them to the list.

intervene? Should a Minister of Health intervene? How do you handle that at the personal level with that kind of responsibility?

KG: I got it all the time. Every Health Minister gets it, the one thing you learn very quickly is there's a size and scale difference being the Health Minister. I used to say to our then-Culture Minister that the Department of Health spends the Department of Culture's budget every morning by 9 a.m.[44] That's the difference in scale in terms of some of the departments. But there's also a difference in emotion. I'm sure that it's emotionally challenging if you can't get your park pass, but you probably aren't going to go knock on the door of a politician to say, "Hey, I need to get my park pass." But people knocked on my door to say, "I have a relative who needs a test," or even being approached by people in the grocery store. Most of the time, people are really nice and they say, "Hey, I know you're with your son. I hate to disturb you, you know, but I just need to tell you this," or "What are your suggestions? What do you think I can do? How do I get this test?"

It happened all the time. It's probably the reason why Ministers of Health wear down. It's the personal stories with real individuals. They wear on your family. I live in a town where I've been elected for almost two decades and people know where you are, and they are comfortable doing these things.[45] It's the most important thing that's happening in their life, if they or someone they love needs something. It is such an important thing for people, and you have to approach it that way, with empathy. You do your best, but over the course of two or three years it begins to wear you down. In some ways it's a double-edged sword. Because trying to help people individually is inspiring and can give you energy, but dealing with it is also very emotional, which has an impact on you over time.

This is especially true when you personally care deeply. It wears you and your family down. It wore my family down, and by the end of that time, I just needed a break. There's no real off-ramp in [the Department of]

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44 In the 2026/2027 Manitoba budget, the Department of Health, Seniors and Long-Term Care is allocated approximately $9.71 billion, while the Department of Sport, Culture, Heritage and Tourism is allocated approximately $94.8 million.

45 Steinbach, Manitoba.

Health, there's no way to take a break. You're still constantly getting messages when you're on vacation. You're constantly getting emails and if you don't respond, that can be emotional for folks because it compounds it [their problem, and the emotions associated with it]. You're not always able to respond the way you would like. What can you actually do in those situations? I would always refer them personally. I'd ask, "I have this individual with this particular issue, can you look into it?"

We made sure that experiences were consistent, so whether you came to me directly or phoned the Health office and you got the general line, it was always processed the same way. There wasn't a specialized line. What I found interesting was that there were times when I'd follow up on these things and find that there were times when an individual was able to get a particular procedure and other times when they couldn't do anything for them. And even as Health Minister it wasn't always clear why. Or sometimes there's a communications issue. You know doctors have their own lists in terms of wait times, too. Sometimes it was about getting a different doctor. It was never about anybody getting special treatment or bumped because they talked to somebody who knew somebody. It was almost always about people not fully understanding the system, because the system is so big with many layers. Maybe they weren't going to the right place, or somebody hadn't pointed them in the right direction. We tried to deal with those the best we could, Bryan. That's the hardest thing for Health Ministers, and I think most Health Minister's will tell you that while it's an incredible privilege, it does wear you down over time, because it's the most emotional thing that a person can deal with in their life.

BPS: If I don't know if I remember correctly. I think when you were rotated from [the Department of] Health, the Premier mentioned that Ministers of Health generally only put in about two years just because of the pressure, it's an emotionally taxing portfolio.

And I don't know if it's still the case, but I remember when Darren Praznik[46] was appointed as Minister of Health, the speculation [was] that was a way of preventing him from being Leader [of the Progressive

[46] Darren Praznik was a Member of Legislative Assembly from 1988 to 2002. He served as Minister of Health from 1997 to 1999.

Conservative Party]. You can't come out well politically after being the Minister of Health. So, it just seems to me it might be just about the toughest job at the elected level, I can't actually imagine one that is worse.

KG: It is a dichotomy, right? I mean, first of all, I heard those things about Darren Praznik too. I think part of it is just because it is the most challenging portfolio. You tend to put the people that you have the most confidence in at the moment to do the job. Those are often people who might be speculated for leadership. I'm not sure that it's always as intentional as people might think. But one of the things, speaking of Darren Praznik, he was one of the individuals who called me when I became Minister of Health. He said this -and he was very right—this was the beginning of my [Minister of] Health term. He said "You're going to have times that are incredibly challenging, and there's lots of times when you don't want to do the job anymore. But Health is really the center of government in terms of what's happening in government on a day-to-day basis. It'll be the most challenging thing you probably do in government. So, try to embrace the challenge because anything you do after will probably pale in comparison in terms of the challenge of it."

It is true that there is there is nothing more challenging. I'm very glad I did it. It was one of my most rewarding times in government. As Minister of Health, I met some wonderful people. People in the system are striving to make it better, despite all the complaints. But they're incredible people who are working really, really hard. I am glad I had the experience and did my best at it. I'm sure people will criticize some of the things that I did. But I hope that there are things I did that people will think bettered the system. But at the end of the day, I'm glad to have experienced it because it really is one of the most challenging things in government. You get this dichotomy between people who want to do it because it is so challenging, but at some point it burns you out. When I left as Health Minister, after two and a half, three years, I think I was almost the most senior Health Minister in Canada. I think there was maybe one minister who had served longer at that time.

Darcy MacPherson (DLM): For me, one of the interesting things about our system of government is that we put overtly political people, people who get elected, into these positions that are inherently difficult.

Somewhere along the way, we don't get them approved by the elected officials.

They are the elected officials. But it seems to me that Health must be the area where [a] lot of the time, you have to say, "I don't want to hear about the politics of this stuff. I want to do the right thing for the person and for the system."

But I wonder how hard that is, knowing that part of your existence is inherently political. Your ability to do this job, or any job in government at the ministerial level, is dependent on your ability to get re-elected. And I wondered if you might talk about making that distinction for yourself.

How do you say to your staff that, "The politics don't matter? This is the decision we're making because it's the right decision." How do you calibrate that? Because I think it's an important thing that you must have to do a lot, particularly in [the Department of] Health, but other places, too.

KG: It depends on what the decisions are. A lot of decisions, you can't just make on your own. They end up going to the Treasury Board[47] or Cabinet. And so, they end up going to the executive level of government to get weighed out at that level as well. I would say that most of the discussions that I had in [the Department of] Health were not political about the decision-making process of it, but they were [political] on the communications part of it. So, we would normally make the decision because we felt this is the right decision. This would be good for the system and the patients to move forward this way. But then the discussion turned to, "How do we politically message this?"

It's one thing to do the right thing. It's another thing to explain to people why it's the right thing, knowing that you're going to have opposition politically and sometimes within the system. It's difficult to explain to the public that the government [is] making its decisions for the rights reasons

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47 The Treasury Board of Manitoba is a Cabinet sub-committee that is responsible for the fiscal management of the Province.

for them in the health care system when the Opposition always says, "It's just about the money."

This becomes such an easy message for the Opposition to say that and as a Minister you worry about how we explain that this isn't a monetary decision. Frankly, most of the decisions we made were never intended to reduce spending. Healthcare spending went up every budget. But there were times when we tried to move money into places where we thought it would have a better outcome.

So, it wasn't the decisions that had a lot of political overtones, but it was the communications of those decisions that did. I think we struggled to properly communicate the reasons for what we were doing because the health care system was so big and that dominated much of the narrative. At the end of the day, people might still say, even if you communicated it well, "We don't agree with this decision," or "We don't think that it was done the right way." And that's fair.

Where I would get frustrated as Minister of Health, and as a politician generally, is when I didn't think we could communicate the message in a way that allowed people to make a fair judgement on the reason why we did what we did and then weigh in, with their judgment as to whether they thought it was good or bad.

BPS: It must be even more frustrating because there are various informed and uniformed opinions on the internet, and the high level of specialized [sic] of political correctness needed when discussing the health care system makes it hard for you to communicate your view so the public can fairly hear it.

For your work as Minister of Health, given the level of executive responsibility, you were only paid what Cabinet ministers were paid in the Province, which by national standards means you weren't paid very well for your work.[48] I imagine you also faced a tremendous amount of

[48] In the 2017/2018 year, a Cabinet minister in Manitoba, with no other titles or positions, was paid $146,258. In the same year, Ontario Cabinet ministers earned $165,850. Alberta Cabinet ministers earned $190,944 in 2018.

criticism. So, I suspect that you didn't take this position because you thought that people would remember you in 10 years and thank you. Given that, can you tell me, Minister of Health, what you think your legacy will be?

KG: Remember it's not like I chose to be Health Minister. It's not like they came to me and said, "Here are seven different options," and I chose to be Health Minister. It doesn't work that way. You get called into a room. And in my case, it was in former Premier Pallister's house. After the 2016 election, we were assigned a time and a meeting place. And then we were shuttled to his home and brought into his little study where he was, along with some people from the transition team, and I was told I was going to be the Health Minister and the government House Leader.

And so, it's a bit of a stunning experience. Right? So, I'm sort of just looking at him and said, "Could you repeat that?" In fact, he said to me, "You can tell your wife but no one else between now and tomorrow (the swearing in ceremony was the next day at the Canadian Museum for Human Rights[49]), but your family will be invited so they will know you are going into Cabinet. You can't tell them what you are going into."

I remember calling my wife on the way home when I stopped at, I think it was a Moore's[50] to pick some proper attire for the event. She knew I was going into cabinet–I was on speaker phone with my wife in the car–and the first thing she said was "Is it [the Ministry of] Justice?" I said "No." Then she asked, "Is it [the Ministry of] Education?" because I'd been the education critic.. I said "No." Finally, she said, "Just tell me it's not [the Department of] Health." and I said, "We'll talk when I get home."
So, even among political people, there's that reputation about working as the Minister of Health – you don't always select it, but you do obviously select to go into politics. And that's part of the political process.

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49 The Canadian Museum for Human Rights is a national museum located in Winnipeg. It was the first national museum to be located outside of the National Capital Region.

50 Moore's is a menswear retail store.

But looking back, I am incredibly grateful for being able to serve in the role of Minister of Health, which means so much to so many, and with incredible people. It was an amazing part of my life.

I chose to go into politics in 2003 because of a pretty unique situation. A Conservative[51] candidate, Jim Penner, who was also a close friend of mine, had already been nominated for re-election, but was diagnosed with terminal cancer about a week before the campaign started, meaning that the nomination was in the writ period.[52]

So, I had a really, really short period of time to make a really difficult decision about what to do. Stuart Murray[53] was encouraging me to make a decision quickly. I was just starting articling[54] at Taylor McCaffrey.[55] At the time, I remember talking to one of the partners about making the decision and he just said, "Listen, you love politics, and you love the law. And you're going to have regret no matter what you decide. But you should also not complain too much because you're lucky to be able to choose between two things you love."

And that was very true. So, my wife Kim and I ultimately decided that we were called toward politics. We wanted to serve. We thought we'd worked with people like Jim Penner[56] and Albert Driedger,[57] my predecessors. We

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51 This is a reference to the Progressive Conservative Party of Manitoba.

52 The writ period is a 28 to 34 day period between the issuing of a writ of election (the order directing that an election be held) and the election itself. During this period, candidate nominations must be filed.

53 Stuart Murray was the leader of the Progressive Conservative Party of Manitoba from November 4, 2000, to April 9, 2006.

54 Articling is a period of experiential training that is mandatory for law school graduates to be licenced to practice law in Manitoba.

55 Taylor McCaffrey LLP is a full-service law firm operating out of Winnipeg.

56 Jim Penner was the Member of Legislative Assembly for the riding of Steinbach from 1999 to 2003. He was succeeded by Kelvin Goertzen.

57 Albert Driedger was a Member of Legislative Assembly from 1977 to 1999, representing the ridings of Emerson and Steinbach.

liked the way they were connected into the community. My wife had also worked with Vic Toews[58] federally.

So, we weren't unaware of political life. We knew what the expectations were because we–and a lot of people around us–had previous involvement. A lot of people don't have previous involvement and for them it is really an eye-opening experience about what is required at the constituency level.

I'd never anticipated I would be the Minister of Health. We did it because we liked being involved in the community and connectedness. We've always been connected to our community through church and other things. It's different when you are from a rural community and people knew who their elected representative is. We really liked when we got stopped in the grocery store by our constituents. We liked the connectedness.

So, that was sort of natural for us. As for legacy, I always say to new politicians. "Be very, very grounded when you go into this job." Even now, I ask my staff not to call me "Minister".

Some refuse and will always call me Minister. I asked them to call me Kelvin. I said, "Someday I'm not going to be a Minister. I'm just going to be Kelvin." And I rather not get used to anything other than that. So, I think it's important to be very grounded, whatever you do.

I've tried to stay grounded in my faith and in my family. I'm a little obsessive about trying to have work life balance. It doesn't work well in politics. You're never maintaining a good work life balance. But you can certainly make it reasonable and manageable. So, I'm really, really attuned to that. So, I focus on how that is trying to be achieved.

To me, that is my legacy. I'm not concerned about political legacy because I can't control that. At the end of whenever I'm done running, people are

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[58] Victor Toews was the Member of Legislative Assembly for Rossmere from 1995 to 1999. He was later a Member of Parliament representing the riding of Provencher from 2000 to 2013. He is currently a justice of the Court of King's Bench of Manitoba.

going to make their own judgments and say what they're going to say. But if I come out of it with my family intact and doing well, that's more my legacy because I have some control over that.

So, I've never really spent a lot of time thinking of political legacy. I can look around the constituency and go, "Well we built a new personal care home. And I was Minister of Health when it was approved," or that I had some say in the new arena that is being built. But as you know, Bryan, nobody else knows or maybe cares about that kind of stuff.

They just think, "Well, that's just stuff government does." And in ten years from now, nobody can remember "How did these things get done?" So, I've always been focused on family and what is achieved locally, I hope my son and wife are proud of me for the work that I do.

That, to me is a more important legacy than anything else because I just can't control the other stuff. So, politicians who go into it for other reasons and are hoping for other legacies I find become very disenchanted and very bitter. I've seen a lot of people leave politics very bitter because of it, and that's sad. because when you give [yourself to public service], you're not doing it for financial reward, generally.

So, one of the things I've tried to avoid is leaving the job bitter because I have put so much time into it. Over the last two years, during the pandemic, it hasn't always been easy. That was true for everyone. I found focusing on family helped me with that.

BPS: You are in an unusual profession, because almost everybody it does it ends in defeat, right? It's just inevitable that sooner or later the current government will no longer be in power, or bad luck and mistakes accumulate resulting in the ending of your career in defeat, making it inherently a temporary thing. That's got to be tough. I think that is would take a special person going in knowing that and come of the system with some sense of serenity because sooner or later it will be your turn to be on the other side.

KG: It helps if you know that going in. So that's where I think that people who have some exposure to politics might leave a little bit less personally

defeated when they are done. You're right. You generally get defeated in some way or another. But you don't want to be personally defeated when you leave or have your family bitter towards you because of it. You want to look back and by and large say that it was a good experience that I'm better for having done it. I think it was Gary Filmon that once told me, "You want to leave with your reputation and your family because that's basically all you have. You're not leaving a business with equity. You're leaving with your family and your reputation. And so, if you can do that, then that's positive."

BPS: Yeah. And even those when you do your best, that isn't guaranteed. In retrospect, I think Gary Filmon got a very rough ride because of the vote splitting scandal.[59] As far as I can tell, he was not personally involved in that.[60]

But that was, one of the things that, led to his defeat.[61] I don't know how it was, at the premier level, he was supposed to be able to control that. Sometimes it's just bad luck. Any government that's in power through COVID, is going to take a fair amount of criticism. Some of it fair, some of it not. Who could have expected and planned for that? That's where I want to turn to now.

DLM: Before we move on to COVID, I wanted to follow up on family for just a second. Because you talked a little bit about family.

When I grew up, in my formative years, my dad was a deputy minister in P.E.I. It was in some ways much of what you described as a minister, right? P.E.I isn't that big, so it's like a small town where people know you.

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59 Vote-splitting is a phenomenon in which politically-similar candidates draw votes away from one another, reducing each other's chances of winning an election. It was found that Progressive Conservatives induced a candidate to run for the purpose of drawing votes away from a New Democratic Party candidate in the 1995 Manitoba election.

60 An inquiry led by former Chief Justice of Manitoba Alfred Monnin implicated multiple Progressive Conservatives in the vote-splitting scandal, but cleared Filmon of wrongdoing.

61 The vote-splitting scandal may have negatively affected the electoral outcome for the Progressive Conservative Party. Premier Gary Doer of the New Democratic Party believed that it was a factor in his success.

Everybody knew who my dad was. If my parents were going to take a vacation, they literally had to leave the province, because wherever he stayed, there was somebody who wanted his ear as the Deputy Minister of Tourism.

He talked a lot about the importance of my mother through that process because he could go do whatever he needed to do for work, since he knew that my mother very much had the homefront on lock. It's not that he wasn't involved. He wanted to go to all our games and those things.

But there was a certain amount put on my mother because of his choice of career. And because you mentioned it obliquely, I wanted to give you a chance to talk a little bit about your importance of your family in keeping you grounded and how much of the choices to go into politics and to become Minister were made jointly.

KG: Thanks for that. I don't think I could explain for me how important it's been. And my wife, Kim and I, we had similar experiences in that both of our fathers died when we were 11 years old. My dad was 35 when he passed away from his addiction.

Kim's dad passed away from heart failure. So, we both grew up in single-parent families for a good portion of time. Neither of [us] had family that was politically involved. My interest in politics developed very organically from my interests in public affairs, news, and related stuff.
I remember listening as a kid, to Larry King[62] on the radio when you could get those weird AM radio wave bounces.[63] He was probably doing his show from somewhere like Miami, it was probably broadcast out off Minneapolis, and that's how I heard about current affairs. And from there it became more of [an] interest in politics for me.

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62 Larry King was a well-known radio host and television personality. He was the host of *The Larry King Show*, a radio show broadcasted from 1978 to 1994.

63 Radio bouncing is a phenomenon in which radio waves bounce off of surfaces to travel greater distances than they may otherwise be able to traverse.

I got involved in politics a little bit in high school with the Reform Party[64] and the leader Preston Manning[65] at the time. It was an interesting experience. I could do a lot more than I was qualified to do because it was a brand-new political party that just needed people.

And suddenly it was like, "Hey, do you want to help run the credentials for a national convention?" I had no experience in that at that age. But they just needed people and they saw something in me. So, I was able to get that experience. Then, my wife ended up working for Vic Toews in his constituency office. That came about from the connection I had with Mr. Toews previously.

So, we became very political but didn't come from a political family. So, we went into it with eyes wide open. We knew what it was about. And we made a very intentional decision to do this as a couple. Before my son was born, Kim really participated with me in almost everything and came to as many political events as she could.

Then when my son was born, we took him to a lot of events. I even took my son a couple of times to federal, provincial, and territorial meetings and he got to meet the different ministers. If I had to travel, we just bought a couple extra plane tickets and him and Kim came along. Then my wife would take him around to different places. People knew who he was. He became ingrained in our political activities. So, we made it very a family thing because from what we saw and other experiences we thought that this way was the only way the family would stay strong. So, there's no question about the importance of my wife making sure that the homefront was secure.

But beyond that, I think more than most political couples, she became really involved in stuff. Not stuff like making decisions or telling me, "This

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64 The Reform Party of Canada was a right-wing political party that existed from 1987 to 2000. It gained considerable popularity amongst Western Canadians. It formed the Official Opposition to the Chrétien government in the 1997 federal election.

65 Preston Manning was the founder and leader of the Reform Party of Canada.

is what I think you should do." This wasn't a Bill Clinton-Hillary Clinton[66] type of relationship, so she never took on that kind of role.

But she became very involved by coming to lots of things. That was hugely important to me because it removed some of that guilt that I might otherwise have had from being uber-sensitive[67] to the fact that I didn't grow up with a dad, because it also meant my son could come along as well.

I didn't want my son to have that experience of having an absent father. And I knew that in politics, there was a good chance that was going to happen if I just was out at events alone. So, they all became part of that. But spending the time together was different. I remember my son came with me to Washington, and he was sitting at the embassy getting a briefing on the USMCA[68] when he was ten years old.

It's not Disney World, right? But you're still together. And it was critically important that was happening for family unity.

BPS: I'd like to move on now to discuss some of the pressures that you and your family may have experienced during the during COVID. First, I would like to know about some of the technocratic and rational aspects. From my view, the legislative framework for the *Emergencies Act*[69] measures is antiquated because it was developed as a result of a comprehensive review of the *War Measures Act*[70]. Whether it was right to employ it or not, I don't know. The *Act* is structured to have all kinds of checks and balances. For example, it requires you to define an emergency,[71] subject to

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66 This is in reference to the relationship of President Bill Clinton and First Lady Hillary Clinton of the United States of America. Hillary Clinton was involved in advising and policy discussions to a greater degree than most first ladies.

67 Extremely sensitive.

68 The United States–Mexico–Canada Agreement is a free-trade agreement, agreed upon in 2018, which replaced the previous North American Free Trade Agreement.

69 *Emergencies Act*, RSC 1985, c 22 (4th Supp).

70 *War Measures Act*, RSC 1985, c W-2 (repealed).

71 *Emergencies Act*, *supra* note 73, s 6(2)(a).

constant scrutiny of Parliament,[72] involvement of all government,[73] and a public inquiry afterward.[74] I'm not saying it's perfect.

To me it appeared that the provincial government was focused on one thing, limiting the spread of the contagious disease. Nominally it seemed that all the power was in the hands of a public health official to make a decision subject to the approval of a minister rather than the framework approach of being subject to the approval of the full government. What are your thoughts?

KG: I had a unique experience in the pandemic, probably unique in Canada. My experience in ministerial roles during the pandemic was vast. I started as the education minister.[75] As the schools were closing during the pandemic. Then, I transitioned to the Deputy Premier,[76] followed by acting as Minister of Health for a several weeks while Heather Stefanson[77] was on medical leave during a time we were moving ICU patients out of province. Then I went back to being Deputy Premier[78] and ended up as interim Premier for a short period.[79] That was followed by a stint as Minister of Justice and Attorney General.[80] So, I saw the impact of the pandemic from virtually every angle, giving me a kind of full perspective on it.

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72 *Ibid*, s 62.

73 *Ibid*, s 58.

74 *Ibid*, s 63.

75 Goertzen was the Minister of Education and Training from August 1, 2018, to October 23, 2019. He was the Minister of Education from October 23, 2019, to January 5, 2021.

76 Goertzen was Deputy Premier from January 5, 2021, to September 1, 2021.

77 Heather Stefanson was the Minister of Health and Seniors Care from January 5, 2021, to August 18, 2021.

78 Goertzen was again Deputy Premier from November 3, 2021, to January 18, 2022.

79 Goertzen was interim leader of the Progressive Conservative Party of Manitoba from September 1, 2021, to October 30, 2021, and Premier of Manitoba from September 1, 2021, to November 2, 2021.

80 Goertzen was the Minister of Justice and Attorney General from January 18, 2022, to October 18, 2023.

I would agree with you that our regulatory or legislative framework was not designed for dealing with a pandemic.

But more than that, I think part of the challenge we had at the beginning, and I think all governments suffered from, was there was no sense of how long this would go on. There was no real expectation in government that this would go on beyond June.[81] I think had folks known that this would be a two-year pandemic or a two-year process, they might have structured things a little differently and certainly communicated another way.

Then, governments would have [been] thinking about the longer term impact and more voices might have been brought to the table as well.

I think one of the challenges in handling a situation like the pandemic is that people's emotions about it change so much. I remember that I was the Education Minister when we announced, on a Friday I believe, that after the next Friday we were going to close the schools for the week before spring break, have spring break and then the students could come back to school.[82] Well, I went to the grocery store on Friday, and people were saying, "Boy, closing the schools is an overreaction," because at the point we had hardly even had a case yet.[83] People were pretty upset at what we were proposing to do. And, by Monday you couldn't get kids to go to the school because every other province had announced that they were closing down the schools. We were the lone one that were keeping them open for that week to get parents prepared. By the end of that week, I think we were down to a 30%, maybe a 25%, attendance rate because people were self-deciding to take the kids out of school.

So, you can see how much the emotions had changed. There was all this emotion that's going on, and then you as a government are thinking, we

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81 Prime Minister Trudeau stated that the first wave of COVID-19 cases would not end until the summer of 2020. The pandemic in its entirety was not estimated to end by June.

82 Goertzen announced in 2020 that Manitoba students from kindergarten to Grade 12 would be out of school from March 23 to April 13.

83 School closures were reported on March 13, 2020. The first COVID-19 case in Manitoba was reported on March 12, 2020.

don't have all the answers or the information. We were seeing stuff like pictures of what was happening in Italy because of COVID.[84]

People are demanding certain things. We thought we were going to get a little bit of time here. We're going to get the information. But I don't believe that at [the] time anybody thought it was going to be two years.

BPS: Let's talk a bit more about long term versus the immediate actions taken by the government. Public officials tend to do what the statutory structure in this province encourages them to do. In this case, it was to focus on. "What are the negative consequences of the contagion?"

But with any public health measures, you would ordinarily think of what the collateral damage and side effects are. So, you eventually made the call to open the schools.[85] And I want to ask you a bit about that specific decision. As a Minister, it must have been difficult making those decisions without the typical briefing that would allow you to do cost-benefit analysis of the short- and long-term impacts. On one hand you don't know the long-term abstract consequences, such as the educational loss or psychological impacts on kids or the effect on diabetes. On the other hand, you have short-term concrete consequences that if you are less restrictive and open up a school that people may die or end up in the hospital. As politician you have already alluded to the fact people react to the emotionally to the immediate consequence of governments rather consider the long-term impact. So, can you tell us about your thoughts on this as a practising politician?

KG: Yeah. It was incredibly hard. I think Brian Pallister [at] one point before the pandemic said that the hardest thing we would ever do in government was the legalization of cannabis file.[86] That was difficult and complex. But I think he would now probably say that the hardest thing was the pandemic. Dealing with the pandemic sort of happened in two

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84 Italy was the first nation in Europe to be affected by the pandemic. In March of 2020, Italy was noted to have the highest mortality rate of any country.

85 Manitoba schools were re-opened to students for the 2020-2021 school year.

86 In 2018, the Manitoba legislature made amendments to provincial legislation in light of impending legalization of cannabis at the federal level.

stages. In the initial stage there was a lack of information about what the virus did and who it impacted. And we weren't getting any new information very quickly. So, we were making more short-term decisions because of the little information we had. We were thinking that we need to get through the next portion. For example, we thinking we just have to get to summer or through the fall gathering season. Everything thing felt like you just needed to get through the next short-term iteration. So, you weren't always thinking about the long-term consequences. After you go through a number of short-term iterations, suddenly it seemed that almost a year had gone by and you start thinking that this is long-term and you start talking about the long-term consequences.

So, I would say the discussion did shift among policy people and politicians after several months. And we as politicians started to really push back and say, "What are the long-term consequences of this? What does it mean if this continues on?" We were thinking about what were the long-term consequences for people's emotional and mental health, the economy, and many other things. So those discussions did come up, not necessarily in March of 2020, but as you went along, it started to shift. I think the challenge then became that folks became locked into a measurement of the consequences, and there are certain things that were easier to measure. I mean, as you mentioned, it's easier to measure the immediate consequences such as how many people got COVID, how many people are in hospital, how many people are in ICU.

And those are very real pressures that had acute impact on the system, like pulling staff out of other places in the hospitals to be in the ICU had an effect on surgeries. But those are easier to measure in the immediate than the more abstract. For example, as you mentioned, what are the long-term implications on diabetes? It also easier to communicate to the public something that is immediately measurable in the moment versus a more abstract consequence that may happen in the future.

But that discussion did start to change.[87] There was a lot of discussion about the impacts of the measures we were taking at the schools. It didn't

[87] This is in reference to a shift in attitudes towards COVID-19 measures as the pandemic

take long before I and others started to push on "What is the impact of not having kids in school?" And we needed to talk about that more. What we struggled with was that society was more locked into these short-term measurements, and it was hard to grasp what those longer-term measurements would be. It was also difficult because when we started, society generally wasn't talking about this being a two-year issue. I'm sure that somebody somewhere could pull up a tweet from that time-period that some epidemiologist would have said it was going to be a two-year pandemic, but that wasn't how most folks were talking.

BPS: I want to talk a bit about being Minister and having to ask difficult questions. So, you know, I kind of get my view you just to pivot to you to the disagree give me, you know, totally different take. But frankly, I believe in the civilian control of the military. You know, just because you're a military expert doesn't mean ultimately, the civilian authority should just defer to your expertise.

And, you know, I look at the Cuban Missile Crisis,[88] classic example of a very good thing that President Kennedy ultimately had the upper hand over his military budget. And frankly, I believe in the same thing about health care decisions. But it seemed to me it was hard as a practicing politician because the easy route was, "I'm doing whatever my public health officials tell me." There were people in the public, maybe even a majority, who said, things like, "How dare you ask a politician question?"

Or could you second guess what the technocrat has to say? I think that it's an important part of the system to have people in touch with the practical realities, accountable to other people, asking experts hard questions, and pooling their expertise. So, it's just not one kind of expertise. You got to you got to ask economists. You got to ask the education experts, not just health care officials. and even health care officials being an expert on, say,

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progressed. Public discourse around pandemic measures shifted away from disease management towards discussing the effects that the measures themselves had on Canadian society.

88 The Cuban Missile Crisis was a 13 day period of elevated hostilities between the United States and the Soviet Union, marked by the latter's deployment of nuclear missiles in Cuba. The Crisis was resolved through an agreement between US President John F. Kennedy and Soviet leader Nikita Khruschev.

virology doesn't make an expert on immunology and make an expert on emergency room management. How hard or difficult was it in the real world to be the Minister of Education?

And did you feel some freedom? Was it difficult to exercise the role of basically civilian control over the system, or did you feel a lot of pressure that, "I can't do anything but what the technocrats tell me obliged to do? "

KG: Well, very difficult for sure. I never had a problem asking difficult questions. Sometimes, the challenge was discerning the answers. But I give the public health officials credit. Often, they would just say, "We don't have all of the answers." So, then you were dealing with an absence of information. But then, you have all the different players, right?

The Manitoba Teachers' Society[89] in those early days was very concerned about having classes go back. So, you had a very strong outside group that was invested in the system with very strong feelings about it and naturally concerned about staff safety. We did bring classes back on a pretty limited basis before the end of that school year.[90]

But I got a lot of pushback on that. By the time we got into June, we were one of the few provinces who said that we now needed to have kids back in school and to do some assessments of smaller groups. I got lots of pushback for that, including from the Manitoba Teachers' Society. Many parents also pushed back because they didn't feel it was safe. Some parents didn't send their kids back in even that limited way. The challenge was never asking the hard questions, but the information wasn't always available to make decisions. And you also had a variety of stakeholders involved from parents to teachers to school boards that all had strong, but different, opinions about the direction that should be taken going forward.

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89 The Manitoba Teachers' Society is the professional union representing Manitoba's public school teachers. It was established by *The Manitoba Teachers' Society Act*, CCSM c T30.

90 After initially suspending in-person classes, Manitoba public schools partially reopened by June, 2020.

But it was always my view and that of Dr. Roussin[91] that kids should be in school. He started to articulate this more in the fall of 2020 by saying that schools should be the last thing to close and the first to open.[92] But I think he had that feeling early on, that is, that it was really important to have kids in school. Compared to many jurisdictions right across North America, I think Manitoba did a better job than most at keeping kids in school.

But there were lots of concerns about how that functioned. Whether it was a staggered or partial school day for spacing,[93] about masking, and other sorts of things. It was, incredibly difficult because of all the different voices.

And they were all laced with emotions. Everybody came to it with the same argument that if you do this, you know, people are going to die. If you open the schools, people are going to die. If you close the schools, people are going to die. In the early stages of the pandemic, we had 3 or 4 weeks of community spirit. People were doing the stuff like dropping food off each other's house. Then it sort of fell apart slowly.

By the time we got to the fall, people got into their camps and weren't quite pulling together in the same direction. Which is fine. I mean, that's part of a democratic discussion. But it got a little too divisive. But everybody sort of ended their argument with, "If you don't do this, people are going to die."

It's tough to make decisions in that environment. You are no longer dealing with a lot of grey. Now, everybody had very stark opinions on either side.

BPS: In terms of being strongly pressed by different stakeholders on either side, I genuinely don't understand. I can theorize why the truckers were

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91 Dr. Brent Roussin is Manitoba's Chief Public Health Officer.

92 Manitoba public schools returned to regular in-person classes in September, 2020.

93 Staggered and partial classes sought to alternate students between differing class times for the purpose of allowing for greater physical distance between classmates.

mad.[94] We white collar workers didn't suffer that much. They were the ones taking some personal risk and moving stuff physically. Then government talks about mandating requirements, such as vaccines and passports.[95] They didn't feel they were respected as the people who were actually doing some of the most demanding and difficult work during the crisis.

I've been vaxxed five times, so I'm not a fanatic. I thought we should be more careful and skeptical about the some of the measures taking during COVID. But I still find it difficult to understand the deep seeded opposition from some of the traditional faith-based communities in Manitoba. These folks receive the traditional vaccines for diphtheria, smallpox, and other diseases. But there was something about this vaccine at this time that made of these traditional faith-based communities inherently skeptical of this measure by the government. And you live in a traditional faith-based community. So, are you able to give us some insight as to where this concern was coming from?

KG: When I was in the Premier's chair, I did meet with a lot of different faith groups because I was concerned about their views on the measures. And every community had a different opinion. These beliefs weren't homogeneous even between members of the same faith group. There were a lot of different responses based on how they practiced the faith, the nature of the community or the community of believers. Some of this was historically how the communities had responded to similar situations. For example, I remember reading a historical review of the Mennonites' reaction to the 1917 pandemic and it wasn't dissimilar. There was lots of distress. Of course, there weren't vaccines back then. But there was a lot of distrust of similar measures the government brought in such as masking, distancing, and limiting of church gatherings. And the community responded in much the same way as it did to the COVID measures,

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94 Truckers taking part in the Freedom Convoy held concerns that cross-border vaccine mandates would restrict unvaccinated Canadian truckers from being able to traverse the U.S.–Canada border.

95 "Vaccine passports" refer to proof-of-vaccination requirements imposed at the provincial and federal level across Canada. Many such requirements were phased out by the end of 2022.

particularly in southern Manitoba. These communities also had high death rates during the 1917 pandemic.[96] Remember the faith-based experience for some communities, like those found in southern Manitoba is a part of life. It's [church is] not something you do once a week. For many, it was the biggest part of their life. So, it had a large impact, particularly emotionally, on these individuals when it was disrupted for significant periods of time, which likely contributed to part to their response. I appreciated that because faith is a big part of my life as well. But I don't think the distrust of the government is limited to faith-based communities.

In Manitoba, there are many people from various countries, that based on their experience in their home country, have good reason to distrust the government. For many of these individuals their being involved with their faith-based communities is also important, so the measures were also hard on them. But I think the churches were likely most impacted because we had restrictions on gathering most of the time. So, I think many factors played a role in the faith-based communities' distrust of the government.

I'm still engaged with faith leaders saying "What was our response? How could have we done better?" And how does this inform us for future situations? Not necessarily pandemics, but there has to be some analysis because there were some things that were done very well. There were lots of faith-based communities where the members reached out to people that were isolated in the communities, such as seniors, and kept them engaged.[97] That was an amazing response to a difficult situation.

But then, of course, there are lots of things that you would hope that people of faith would maybe have been shown in a different light. That were not as positive. And I experienced all those things in my community as well. I've gotten hundreds of emails from people who were very upset

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96 During the 1918 Influenza pandemic, Mennonite communities suffered mortality rates significantly higher than the national average

97 Manitoba communities of a number of different faiths developed programs and initiatives devoted to mitigating loneliness amongst isolated individuals during the pandemic.

about the government's response and very upset at me personally about those sorts of things.

That was difficult for me, and difficult for the family. But what I think you can do in those situations is try to remain as calm as possible and not to match emotion. And I don't know that I did that perfectly all the time, but I tried too. I also tried to be honest and say, "You know the government doesn't do everything right."

Government didn't do everything right. There are lots of times when I would go into a Cabinet meeting and not agree on certain restrictions. But those disagreements happen in Cabinet for a reason. This may be going off track, Bryan, but I do think it exposes a weakness in our system in terms of how we make our decisions in government. Generally, people don't care about government.

And most often the decisions from government don't have the kind of impact that they did during the pandemic. Obviously, they did [have significant impact] during the pandemic. So, people don't usually pay attention to how the decisions get made. I mean, I would do press conferences before the pandemic and I would see the live stream and there were only 50 people watching. Well, suddenly, we're talking about whether kids could go to schools. Now there was like 15,000 people watching the stream. And many more would watch it after because it had such an impact on people and their kids. For example, people want to know "Can my kids go to school? Can I go to my business? Can I go to my church?" So suddenly the government was the most important thing happening in their lives, and so they hung on to and tried to dissect every word.

The challenge for us was that all of our decisions were essentially made in Cabinet where people couldn't see or hear behind that door. They didn't get see that there were disagreements about the decisions. People would watch or listen to the press conference and see the four of us and Dr. Roussin, or whomever was there and go "Well, how come all these people are saying the same things? Why do they all agree? Because we go home to our own families and our families don't all agree." I think it caused people to be a little suspicious of our system because they couldn't see us fight those things out behind closed doors then come out with a unified

position, for lack of better words. There are good reasons why we use that system in government, but it may have also been a weakness during the pandemic making people more suspicious of institutions generally.

Now, not everybody has a growing distrust of institutions, but there's a general growing distrust of institutions like the Bank of Canada, the education system, the justice system and governments. I think part of that is because the decision-making process isn't something people are engaged with and they don't see how it's happening or why. And that leaves a lot of room for conspiracies and those sorts of things.

BPS: Yeah. I mean, we're all wiser in hindsight. As an independent observer of what was happening during COVID, I would have liked to see more palpable evidence that the government was thinking about the long-term stuff. I mean I could go to a website and find 30 million pieces of information or statistics about COVID, but I wouldn't see qualitative information that people were thinking about the long-term impact, such as on long-term impact on mental health or education. That would have been background information that would have assured me that the government was taking that into account.

KG: You're right. And had you been in the Cabinet meetings, Bryan, and if people had been able to see Cabinet, particularly as we got past those first initial months where everybody thought this would be short term, but as this sort of dragged on, they would see those questions came up every meeting. Questions like "What are the impacts on kids if they're not in school? What are the impacts if we don't have sports? What are the impacts on businesses? What are the impacts on faith communities?" These questions were continually being pushed and talked about. But yeah, maybe it wasn't properly communicated externally that these questions are very real concerns.

And by the way, they were being talked about by public health, too. And, I think Doctor Roussin did talk about them publicly, because he would often say there's more to public health than just the virus. But I don't know that it got the attention that maybe it could have received. But people couldn't see that. They didn't see that decision-making process.

BPS: Yeah, I agree that some of the problem was the structure of the media environment. Maybe I'm being harsh, but at a press conference I saw that the media would ask you the immediate superficial questions about COVID or ask about a particular person that had died from COVID. They were not asking the long-term questions, for example about the long-term, cost-benefit analysis.

That's a really tough environment to operate in. I think that the government had at some point lost it way when it comes to understand the life of the public. For example, when it comes to the trucker, you can say a lot of their views about the provincial government stuff was crazy, and a very small number of them were Paleolithic lunatics. But the prime minister just called them unacceptable and refused to talk to them. I think there's a very therapeutic effect on the public when a politician sits down with people without not typecasting them or calling them "deplorables" and says, "I'm probably not going to agree with you." I think you did a very good job while you were interim Premier at being open to listening to what was bothering people.

As a public official, it is sometimes difficult admitting fallibility, because you are often defending your position instead of acknowledging that these are tough decisions to make. So, through the media, it must have also been difficult to admit that you are finding your way, the government is finding its way and so on and so forth. And any thoughts about those?

KG: During my time as Premier, that was one of the things I tried to do because we were in a difficult time. We all had a lot of emotions, as we were coming out of the pandemic. There were concerns about things being said about the Indigenous community. There was the finding of the unmarked graves related to residential schools.[98] So, we have had all this

[98] Goertzen is referring to the use of ground-penetrating radar technology to discover unmarked graves at the sites of Canadian residential schools. See: Tk̓emlúps te Secwépemc (Kamloops Indian Band), "May 27 2021 TteS MEDIA RELEASE ", (27 May, 2021), online: Tk̓emlúps te Secwépemc < https://tkemlups.ca/wp-content/uploads/05-May-27-2021-TteS-MEDIA-RELEASE.pdf > [https://perma.cc/C99M-HHYX].

emotion before the trucker convoy[99] started. I tried to bring down some of the emotion by saying, "Listen, we're all sort of struggling through this. We're going to need to listen to each other. We don't always have it right. And we don't always have to agree."

I think there are some things that we did well during the pandemic and some things we didn't do well. I mean, you could look at the essential services list,[100] and I think by any objective analysis of it, people would say that didn't go very well.[101] I think communication with respect to the long-term thinking could have been better. There were a lot of things that didn't go well.

But then there are lots of others that I think went well. For example, whether people liked the vaccines or not, the actual implementation of it in the Convention Center went well.[102] And I think we need to be honest about the good and bad because the long-term implication of not doing so is people start to lose trust in their politicians. They think that we're just a bunch of talking points, we're not being honest with them, we're just defending the indefensible, or we won't admit when we're wrong.

Well, then when something like a pandemic happens and you have to decide, "Am I going to trust the politicians to make decisions or the public health officials?", it's not surprising that a lot of people said you should trust the public-health officials and not the politicians. That might have

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99 This is a reference to the "Freedom Convoy", a protest movement that drew the drivers of semi-trucks, farm vehicles, and cars to Ottawa, as well as provincial legislative buildings and border crossings across Canada. The protesters blockaded roads with the stated intention of protesting government COVID-19 measures.

100 Order under The Public Health Act, Man Reg 22/2020.

101 There was some resistance to COVID-19 restrictions on non-essential services. The validity and constitutionality of the public health orders was challenged. In Gateway Bible Baptist Church v Manitoba, 2021 MBQB 218, and Gateway Bible Baptist Church et al. v Manitoba et al., 2021 MBQB 219, Chief Justice Glenn Joyal of the Court of Queen's Bench of Manitoba upheld the validity of the measures.

102 The RBC Winnipeg Convention Centre was used in part as a mass vaccination site during the COVID pandemic.

been different 30, 40, or 50 years ago when there was more respect for politics or politicians.[103]

People might have had more inclination to trust political leaders as opposed to saying "You should be just doing whatever the public-health officials say." I think that part of that lack of trust is that we [politicians] don't often say when we've made mistakes. Sometimes we are too stuck on talking points.

And I've gotten in trouble sometimes because I'm not much of a "talking-point politician."[104] But I also think at the end of the day that people prefer to know that, even if they don't agree with you, that what you're saying is something you actually believe. You're not just sort of saying this because somebody told you to say it. So, all those things have implications back and forth.

After I left the Premier's office and became the Minister of Justice, when the trucker convoy came, we held a press conference, and I did say they can't be blocking the borders[105] because we need trade with the Americans and they also can't be downtown blasting their horn not letting people sleep.[106]

But we also have to try to understand why it is that they are there, and what are the reasons causing all this frustration and anger. There's learning in that too, but not learning to the point where you can keep the border closed because people, not the least of which are truckers, have to get across the border.

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103 Goertzen is referring to a potential trend of growing distrust in politicians. A loss of Canadian public trust in politicians and government was particularly notable after the COVID-19 pandemic.

104 The "talking-point politician" is a concept in which a politician communicates largely through strategic, pre-rehearsed talking points, rather than engaging substantively with questions.

105 Freedom Convoy protests blocked the Emerson, Manitoba, border crossing in February of 2022. Manitoba's Stefanson government and North Dakota's Burgum government stressed the importance of keeping the Emerson border crossing open.

106 A criticism of the Freedom Convoy was that an incessant use of truck horns resulted in local residents being unable to sleep at night through the noise.

But I think when you start with, "Let's try to understand what the frustration is", that doesn't mean we have to validate what's happening. That's where I tried to start with the truckers... that you can't keep the border blocked and you can't sit downtown[107] forever. But I'm going to try and understand the core of why you're doing these sorts of things. As you said, there's people around every organization that have fringe elements that we tend to focus on that aren't necessarily representative of the reasons why a group is doing things. I think Manitoba did a pretty good job at handling the situation. I mean, we didn't have any arrests or any violence. And yet the blockades ended both downtown[108] and at the border[109] because the police were engaged in a rational discussion. We as politicians didn't talk it up. We didn't call anybody names. But we also didn't validate their actions. You can't keep the border blocked.

So, to me, that's always a better place to start from. Now there are times where you end up in a place where you can't come to a resolution, action needs to happen and things have to change. As an example, the encampments at the legislature.[110] I always start from a placing of listening and trying to find common ground because 90% of time you can find some common ground, even in disagreements, that leads to a path forward.

DLM: Can I follow up on this? Because I remember growing up around the time of Pierre Elliot Trudeau, and my father telling me that he famously said in public, "I hope your questions match my answers." He left the impression that he really did not care what their questions were.[111]

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107 Freedom Convoy protesters also demonstrated in front of the Manitoba Legislative Building in downtown Winnipeg during February of 2022.

108 Protesters complied with a Winnipeg Police Service-imposed deadline to vacate the area of the Manitoba Legislative Building by 5:00 p.m. on February 23, 2022.

109 Protesters vacated the Emerson border crossing by February 16, 2022, after a resolution with the Royal Canadian Mounted Police.

110 The Winnipeg Police Service warned of possible enforcement actions if protesters failed to comply with the deadline to vacate the legislature.

111 Prime Minister Pierre Elliot Trudeau was often noted to have a flippant and dismissive attitude towards journalists during his tenure as Prime Minister.

He was going to get across what he wanted to get across. And he got away with it because it was a different time. And I wonder if our expectations of government have changed so severely that no one can survive in this environment without the talking points, without having a bit of, "This is what I'm going to do because no matter what I do somebody's going to take issue with me. I'm not going to give my attention to whoever screams loudest, because once you do that as a politician, people just scream louder". And I wonder if that's been something you've experienced. The idea of saying, "I have to make a decision here without thinking about what people are going to do, because if I tell the people who scream loudest that they'll win." It's like dealing with a five-year-old. If you tell a five-year-old, "if you scream for five minutes, you'll get what you want," then, the next time they'll scream for seven minutes, or whatever it is, to get what they want. We all have that bit of a streak like this.

KG: And some of that was happening with the blockades and the convoy. But I mean, what I was trying to convey was you're not going to get what you want if you scream the loudest, but if your child is screaming, you might want to check and figure out why they're screaming, right? Like maybe they're angry. Maybe things need to be changed.[112] So, there might be good reasons why people are screaming. But that doesn't mean you have to give in to exactly what they're looking for. And that, to me, was the point I was trying to make.

On the talking points, by talking points I mean the government has to have a message and has to believe in its message. I think sometimes the issue is how the message is presented.

Sometimes I think people think we're not messaging with sincerity, honesty, or in a forthright way, because politicians feel risk in talking more freely. We're worried about this ending up on Twitter[113] or being pounced upon. So, they feel that the less risky way is to just take a talking point and

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112 In mid-February, 2022, Premier Stefanson announced an end to COVID-19 restrictions by March 15, 2022.

113 Goertzen is referring to a phenomenon of politicians' communications being video clipped and posted to social media platforms, potentially in opposition to the politicians' intended messaging.

say it over and over again. That's not how I feel. I think that's sometimes the riskiest thing you can do because it causes people to have distrust.[114] It causes people to not think you believe what you are saying.

I mean, George Bush Jr.[115] used to be famous for saying, essentially, "You might not always agree with where I stand, but you'll always know where I stand."[116] I think that, to some degree, people value that, even if they don't agree with what your viewpoint is on something. They appreciate the fact that you believe in something and that you're willing to communicate it in an honest and real way.

And so, having talking points for a government message isn't a bad thing. I just think we need to ensure that we're communicating it in a way that people know this is how we feel, this is why we feel it, and we feel it for good reasons. Even if people don't agree because people aren't going to agree on everything.

I hope that we don't get into those types of emotional situations again, but it will happen in the government at some point. We should learn that we should always lead with an approach of listening first. Not because we agree with everything that's being said, but because you can try to sometimes find a path forward. And often some people just want to be listened to and then they'll move on.

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114 A criticism of the use of talking-points by politicians is that dishonest or insincere talking-points may result in lower public trust in government.

115 George Walker Bush was an American politician who served as the President of the United States from 2001 to 2009, the 43rd President. He also served as the Governor of Texas from 1995 to 2000. He is occasionally referred to as "Jr.", since his father, George Herbert Walker Bush, served as the President of the United States from 1989 to 1993, the 41st President. Technically, the appellation "Jr." is inapposite, because the younger Bush does not share exactly the same name as his father. The elder Bush also served as the Vice-President of the United States from 1981 to 1989, under President Ronald Wilson Reagan, the 40th President.

116 President George W. Bush made frequent use of variations of this quote during his 2004 presidential campaign. He has been quoted as stating, "Even when you might not agree with me, you know what I believe and where I stand and what I intend to do.", in addition to slight variations of the quote.

BPS: My point is the opposite of Darcy's: that if somebody's screaming, you don't listen to them, then they want to scream louder, or do blockades, or something else. If you actually give people the sense that they are being heard, whether you're going to do what they want or not, then I think that it has a soothing effect in terms of channeling people into genuine dialogue, because they feel they are still being treated like a human with a viewpoint. With all the challenges of the electronic media, I think there is a lot to be said for sincerely listening and showing that there's a human being at the other end. In terms of moving politics forward, in both process and in outcome there is something to be said for trying to actually maintain some of the remaining human to human communication.

I think the worst thing you can do in most circumstances is to typecast people as "deplorables"[117] or "unacceptable," because then it is going to be much harder to convince people to follow a process,[118] for example, the rule of law. Generally speaking, it takes an awful lot to convince me that you should not abide by the rule of law,[119] whether you agree with the law or not. That's a very important process value. We have a process to try and resolve things for a little while, the democratic process. And if you don't agree with it, you abide by it until you can change it.
But people tend to have double standards when it comes to the law. You can break the law or do blockades if I agree with your cause, but you can't do it if I disagree with your cause. As a citizen, I believe in the rule of law. And I see people being selective about the rule of law. You know, a lot counts if I agree with the outcome. But not if it doesn't. So, basically, I agree with a lot of what you said, Kelvin.

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117 During her 2016 presidential campaign, Hillary Clinton made a remark referring to a number of Donald J. Trump supporters as belonging in a "basket of deplorables".

118 Clinton's "deplorables" remark was adopted by the Trump campaign and used against her by her supporters.

119 The rule of law is a principle stating that all individuals are accountable to the law, and none are above it, no matter their station.

So just on the crisis, it seems to me that the tail wag[ged] the dog. I'm not saying this tail–what happened in the emergency room[120]–is insignificant. But basically, the whole system of emergency response–lockdowns, closures and the like–were driven by the inability of the emergency system to deal with the surge in patients. That's a challenge to me. I don't know what the answer is. How do you build the capacity of the emergency system to deal with an emergency, so that you don't have it backflow to all of the other decision making.

Ultimately, what drove it, seems to me, was largely the emergency system got overloaded. So, we had to put a damper or a clamp on society in order to not overload the emergency system. So, that one point with driving everything else in society, it's not a place where I think you want to be. I don't actually know what the mechanics are of building more surge capacity in our public health care system. Is that something that the government is thinking about?

KG: It's difficult in the moment of course, because we've been short of people in the system across Canada for a while.[121] The pandemic has made that more acute because people left the system and that's what made it worse.[122] So, we're dealing with a particular sort of crisis now with human resources in the health care system.

But you're right. Most of the focus was on how do we maintain capacity, particularly in the ICU, because we continued to draw people out of different parts of the health care system into the ICU.[123] And that had repercussions on surgeries and everything else. Repercussions that we're still dealing with today.

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120 Emergency rooms in hospitals across Canada struggled to manage the sheer volume of patients during the COVID-19 pandemic.

121 Goertzen is referring to shortages of healthcare workers, including physicians, nurses, and other staff.

122 During the pandemic, extreme workloads and burnout resulted in greater staffing shortages.

123 Faced with staffing shortages, hospitals were forced to shift staff from less intensive and urgent units into intensive care units and emergency rooms in order to accommodate surges in patient volume.

That really was what was driving a lot of the public-health decisions. You'd see the ICU numbers go up, then you'd see the public-health decisions in response to that. They matched up pretty closely.

But how do you fix that? I think the easy part of the answer is to add more to our ICU capacity. We actually have more ICU capacity now than we did before for many, many years, including through the NDP.[124] I think there was an ICU capacity of around 72 beds or so in, in Manitoba. There is a bit of flux on that number, but the base ICU capacity was about 72.[125]

Now, I think it's about 100.[126] So, it's gone up significantly. But I'm sure that we're not using the full 100at any given time. The bigger question is, "Is the next public-health crisis going to be a push on ICU capacity?" One doesn't know right? This particular pandemic resulted in there being a significant strain on ICU capacity. Hard to know if that's what the next public health crisis will be, or will it push a different part of the system? So, to me, and what I've said within government, is that there is a need to work for a more flexible system.

We can't necessarily predict which part of the system will be under strain next time. But we can build a system that has more flexibility to move people around and respond to things without resulting in terrible impacts on the system.

So, it isn't about surge capacity in just the ICU. But it is about, "What can the system do to have broader flexibility?" How can we build a more nimble system? Because we don't have a system that is built for flexibility. I think that's where the discussions have to go. The reason they had more surge capacity in places like the United States was they had more providers to pull upon.

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124 During and following the COVID-19 pandemic, Manitoba governments have made a concerted effort to increase capacity in intensive care units (ICUs). As of April of 2026, Manitoba had 180 ICU beds, with further ICU capacity expected to become available in Brandon, Manitoba.

125 Manitoba's pre-pandemic baseline for ICU capacity was 72 beds.

126 In April of 2023, Manitoba had 102 ICU beds.

BPS: But generally, it's very hard to think rationally during a crisis. So, you've got to try to prebuild some of your processes and procedures, and you don't know what the next crisis will be. Regardless of the details, I think it would be about ensuring that we're putting in place some of your decision-making processes so that the right people in the room at the various time, and there is capacity to adapt.

I think the next crisis we might face is breakdown of the online structure of the Internet. It could be an Internet meltdown that somebody is going to cause. There could be an attack on the critical structure.[127] We survived this crisis. But how do we survive? The extent we did survive during the health crisis is based in part on the fact that the Internet worked really well. You know, university basically continued uninterrupted, except for one little period there.[128] But yeah, if it happened right now in our society at this point in time, whether it's maliciously caused or not, if we have a breakdown of the mainstream Internet system, I think would cause total chaos.[129] So, I don't know exactly how you plan for it. I just think that's one thing the government should be planning for it.

What's our back-up plan if the Internet fails? Do you use Starlink[130] if the wired systems don't work? I don't know if that is something the government is thinking about that.

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127 Public Safety Canada and the United States' Cybersecurity and Infrastructure Security Agency have both noted the threat that attacks on critical infrastructure pose to Canada and the United States.

128 Universities across Canada were largely able to continue offering education to students after navigating closures at the outset of the COVID-19 pandemic.

129 Modern society is incredibly reliant on maintaining uninterrupted connection to the Internet. If there were a loss of Internet service, infrastructure across the globe would be threatened with catastrophic failure. In 2022, major internet service provider Rogers Communications suffered outages across Canada. As a result, some government services, money transfer networks, and emergency services were unable to operate normally.

130 Starlink Services, LLC, is a telecommunications provider that offers satellite internet services. Starlink services have been used to provide Internet service where other providers are unable to, including on battlefields in the Russo-Ukrainian War.

KG: Yeah, the government certainly thinks a lot about Internet security. There's a lot of money going into things like that. But whether you're state-run or otherwise, it's a challenge to stay ahead of those who want to interrupt the Internet.[131]

In our Canadian system, and probably in most of the Western world, we are a controlling society. We control everything. We control the temperature in our home and our finances. The pandemic was the first time in our generation that we lost control and didn't know how to regain any control. I think that was a big part of the psychological effect that was happening in North America. We all thought that this would end in either three weeks, two months, or three months. And as we passed those dates it became clear that we didn't know where this would end or how to get out of it. This represents how our society doesn't do well with uncertainty, because we are not conditioned for that much uncertainty. And governments aren't either. The government and politicians like to define a problem, create the solution and move on. And that wasn't really possible in the pandemic.

BPS: The plan would be, if to cover the fifth legislative crisis in our lifetimes, which is how did the process of legislative deliberation continue during COVID? Did it or didn't it continue?

To what extent did technology that enable you to overcome things? I don't know the answer to any of these questions. Generally, just how well the system was able to adapt in terms of the legislative process. We also wanted to ask you about your experiences of being Premier for several months, and what are the qualitative differences of being very senior and the ultimate chair in terms of decisions?

KG: I think I can give you lots of insight into the legislative process both from the Assembly itself having been House Leader[132] and from an

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131 Government and private infrastructure alike are vulnerable to malicious attacks on critical infrastructure.

132 A House Leader of a party is responsible for managing House business. As the Government House Leader, Goertzen was responsible for consulting other parties' House Leaders to develop a schedule of House business.

internal governmental view because I also chair the Regulatory Accountability Committee (RAC committee).[133] All the government legislation comes through that committee. I managed the House during COVID, where we went down to as few as five people at one point[134] and went to almost a completely virtual assembly, something we'd never experienced before. Then, how we managed bills and things, other than COVID related, largely stopped. I'm certainly happy to talk about my time as Premier. It gave me insight because I wasn't only managing the government, but also the [Progressive Conservative] Party. One could argue the Party was in crisis, because the [prior] leader left very quickly, and we had a member of Cabinet resign,[135] and there was lots of disruption. There's also the uniqueness because Manitoba hadn't experienced electing a Premier through Caucus that quickly before. It involved me talking to the Lieutenant Governor and sorting it out, because we didn't have a lot of experience and there was only limited experience in Canada. I think maybe British Columbia and Alberta had done it.[136] It was unique in terms of challenges because we weren't meeting a lot in person.

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133 The RAC was established by *The Regulatory Accountability Act*, CCSM c R65 (repealed). Its role is to oversee government activities and ensure that principles of regulatory accountability are employed in the development and review of regulation.

134 *The Legislative Assembly Act*, CCSM c L110 provides that a quorum of 10 members is required for House business to proceed. The House may be adjourned if the number of members falls below 10. In order to work around the COVID-19 pandemic, virtual attendance counts towards the quorum. The reference to "as few as five people" refers to the physical presence of 5 members.

135 In 2021, Brian Pallister stepped down as Premier. Earlier that year, Minister of Indigenous and Northern Relations Eileen Clarke resigned from her Cabinet minister position. The positions of other Cabinet ministers were shuffled as a result.

136 Goertzen is referring to his selection and appointment as interim party leader and interim premier after the resignation of Brian Pallister. The party was unused to that sort of rapid internal succession process. Goertzen mentions British Columbia and Alberta as having experienced a quick turnaround for electing a premier through Caucus. An example occurred in Alberta after Premier Alison Redford's resignation announcement on March 19, 2014. Deputy Premier David Hancock was selected as interim party leader of the Alberta Progressive Conservative Party on March 20, 2014, and was appointed as Premier of Alberta on March 23, 2014.

BPS: And I might ask a bit about the system that you helped to invent.[137] It actually works quite well in terms of a trade-off between the ability of the Opposition to identify things they want to fight.

KG: I think it's worked well. It gets criticized sometimes. But, it was born out of distress coming out of the PST debate that lasted through the summer of 2014. But, I think it has stood the test of time pretty well. And we've had to change it and there'll be other tweaks that come along, but I think it's actually worked pretty well.

BPS: So, thank you. I was going to ask Darcy or Selene if there was anything they wanted to ask but I haven't given them much time. If there's anything they wanted to add or comment on, we can pick it up at the beginning of the next session.

DLM: I just… I want to make sure that we make time for the… because one of my questions is, "Why would anybody take on being the interim Premier, knowing that that it was going to end with a leadership race that you weren't in?"

I could see, sort of, if you were in the leadership race, the power of incumbency. There were a whole bunch of things that that might play out there politically that would be useful in showing your willingness to lead the party through a difficult period, which is all great stuff if you want to take on the role for a longer term. I mentioned to you earlier that my Dad was a Deputy Minister, and one of the things he always said to me is, "Don't be a politician in a small town." It seems to me that Winnipeg for all its big city stuff, is still a small town that fundamentally functions on the same principles as a small town does.

It's one of the things that was amazing to me about what you did was that there wasn't anything in it for you. Well, maybe there is something in it for you, but it didn't seem like the obvious things that would come with taking on a role like this.

I sat there and sort of went, why? So, that's just a question to think about.

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137 Unclear what system this refers to.

KG: The short answer would be somebody had to, and there is a sense of duty.

I could see what was going on in terms of strife in society,[138] strife in the Party,[139] and had anybody come to my mind that I thought could do a better job of trying to put the pieces together for a few months, I would have suggested them. But I'd served in most of the roles in government. I'd been around for long enough that I know all the players in terms of our caucus and how the Legislature works from the government and the House leader perspective.

So, it wasn't because I was pining to do it. Obviously, because I wasn't running for the job. It was just somebody had to do it. I think that sometimes the answer is as simple as that.

BPS: Well, that's why Darcy and I are here running the Law Journal.

KG: Somebody's got to do it.

BPS: Somebody had to do it. We've been punished for the last, what, 12 years?

DLM: Yeah. We're going on 13 years. We started in the summer of 2010.

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[138] Premier Brian Pallister was criticized for his response to growing tensions regarding the issue of unmarked gravesites associated with Canadian residential schools.

[139] At the time of Brian Pallister's announcement of his resignation as Premier, support for the Progressive Conservative Party had declined considerably.

PART 2

BPS: We wanted to a discussion of what it was like being an executive decision maker during the COVID-19 pandemic ("COVID").[140] During this time, Manitoba had reached a juncture and turned to what I call the "Fifth Legislature Crisis."[141] What happened during the "fifth crisis"? What happened when the actual physical ability for Cabinet to meet in person was more difficult, for the usual function of the Legislative Assembly ("Assembly")? I don't have a lot of structured questions here, because I don't know the answers to any of these issues. I do think this is something that is worthy of historical preservation and analysis. So, what happens when the Assembly is not using its usual physical structure to do extraordinary things? During this time, the very ability of the Assembly to actually operate was in jeopardy. My general question is, as an interested outsider, how did this actually work? Did Cabinet[142] meetings switch to Zoom,[143] or were there some people physically present in person at the Manitoba Legislature (Legislature),[144] and some people on Zoom? What were the security issues? I would imagine that the issue of how to maintain cybersecurity must have been a real head-scratcher, or maybe people had already worked that out? What happened in the Assembly? Did you have social distancing?[145] So, did some people come and attend inside the

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140 The COVID-19 pandemic, caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), began with outbreak of COVID-19 in Wuhan, China, in December 2019. It spread to other areas of Asia, and then worldwide in early 2020. The World Health Organization (WHO) declared the outbreak a public health emergency of international concern (PHEIC) on 30 January 2020 and assessed the outbreak as a pandemic on March 11th, 2020. As of May 5th, 2023, it is no longer a PHEIC.

141 The "Fifth Legislature Crisis" refers to the COVID-19 global pandemic.

142 Cabinet is the executive branch of the provincial government, composed of Ministers who are in charge of various Ministries, and includes the Premier.

143 Zoom is an online platform which allows individuals, businesses, educational institutions, government and more, to meet virtually. It was frequently used during the COVID-19 pandemic.

144 The Manitoba Legislature is located at 450 Broadway, Winnipeg, Manitoba, and is where the provincial government, Cabinet and Members of the Legislative Assembly (MLAs) across Manitoba meet to debate, discuss, enact, and perform government duties and operations.

145 The term "social distancing" refers to the practice of being physically separated from

Legislature, while others attended via Zoom? Really, how did this whole thing work?

Kelvin Goertzen (KG): Yeah, that's fine. I'll probably just—from my memory—discuss a little bit how it transpired. Part of what is helpful to know that is that prior to COVID, Cabinet meetings had moved to more virtual-friendly operations, not virtual in terms of meetings, but in terms of the documents. When we [The Progressive Conservative Party of Manitoba] got elected in 2016, we would literally have these big Cabinet books, and everything was in paper form. And then we had some folks who came from other provinces and said, "Hey, other provinces don't actually do this. Every other province—a lot of them—it's all uploaded on your iPads, and then you can have all your documents there, and you don't carry around these big binders full of paper." So, we experimented with that more virtual-friendly function. Of course, whenever government goes to something new like that, all the initial questions are, "How secure is it? How safe is it? Is anybody from China and other places going to be hacking into our computers, to the extent that they would be that interested in what is going on in Manitoba?" So, we went through those natural questions, but we switched over to the more virtual-friendly function before COVID. All of our Cabinet documentations came on the iPads. So, that was already helpful prior to COVID. But then we got to March 2020, and schools shut down, and so we started to look at the Assembly and whether we should be meeting. The thing about it then, though, is just like everybody else was uncertain, everybody outside had these emotions, those were all felt in the Assembly as well. It was not a difficult discussion with Nahanni Fontaine[146] who is the NDP House Leader, or Jon Gerrard[147] who is the Liberal House Leader, in terms of,

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other individuals by usually at least 6 feet. During the COVID-19 pandemic, the practice was frequently used, and often mandated, by governments at social functions.

146 The Honourable Nahanni Fontaine was elected as the Member of the Legislative Assembly of Manitoba for the riding of St. Johns in the 2016 and 2019 elections. She is the NDP Official Opposition's House Leader, Critic for Justice, and the spokesperson for Veterans Affairs. Nahanni Fontaine is also the first Indigenous woman to be House Leader of any Legislature or Parliament in Canadian history.

147 The Honourable Dr. Jon Gerrard was elected Member of the Legislative Assembly of Manitoba as a member of the Liberal Party, for the constituency of River Heights in

"should we keep going or not?" Everything was a pretty quick, and an easy decision, and there was agreement that, "Okay, we can't tell everybody else that they need to close down for a short period of time, and then government is going to keep operating in person." So, we made a pretty quick decision to close down, but we did not have a good sense on how we open up then, in terms of how the Assembly would come back in person. There were some bills that had to be passed that were related to COVID, particularly to go into the emergency orders.[148] There was good cooperation around that, almost all the time. All parties worked really well together. We did not really get hung up on any of the COVID related bills in terms of how to get them passed. All the non- COVID-related bills, though, that were really important to everybody before COVID, sort of became secondary. I guess that would be true in any time of crisis, such as war, or anything else. Whenever there is a dominant issue that comes about, that issue that was consuming before, suddenly doesn't seem very important to either the government or the Opposition.[149] And so, there was not a lot of discussion about what should happen to all the other bills, because they would have been up for scheduled passage, because of the rule changes that created timelines for votes and passage of legislation.

It was a very quick and consensual decision of, "Okay, we're going to close down." Then, of course, three or four or five weeks later, we can operate off special warrants[150] or the different expenditure authority. But the

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1999. He served until he was not re-elected as an MLA in 2023. He has also served as the Leader of the Liberal Party of Manitoba between 1998 and 2013. Prior to his career in provincial politics, he also served as a Member of Parliament between 1993 and 1997, including a stint at Secretary of State for Science, Research and Development.

148 Emergency Orders are orders made in response to emergency under the *Emergency Measures Act*, SM 1987-89, c 11. Additional emergency orders were made in the jurisdiction of Manitoba during the COVID-19 pandemic. The province also placed restrictions on Manitobans using the *Public Health Act*, SM 2006, c 14.

149 The term "Opposition" refers to the political party that has the second most elected MLAs in the Manitoba Legislature. At the time to which Goertzen is referring, the Manitoba New Democratic Party was the Opposition.

150 A special warrant is an order made by the Lieutenant Governor of Manitoba, authorized by *The Financial Administration Act*, CCSM, c F55, s 32(1). It enables the authorization of expenditures when an unforeseen expenditure, or an expenditure not provided for by the budget, is required for the public good. It also enables the authorization of

Opposition, and the media, and others, I think, rightfully, started to ask the question about, "Well, hang on now, there are big decisions getting made, and we can't have debates about them." The media were coming in and asking questions about those issues, but the Opposition rightfully was asking, "How come we can't ask some of these questions in the Assembly?" So, after several weeks those discussions started to happen, saying "How do you come back? Do you come back in a limited way, with a reduced number of Members? The virtual option was not available then, because you have to remember, everything in the Legislature is 100 years old.[151] This was not unlike the court system, which we know struggled with modernizing very quickly in that new virtual system. With all these processes, it was not that the technology did not exist. The technology, just like how we're doing this interview,[152] had existed before, but it wasn't really utilized in the Manitoba Legislature. To not be there—in person and debating—there was never, ever contemplation before about virtual options. I mean, even up until March 2020, we would have debates in committees about whether people could phone into a committee to make a presentation.[153] Everything was about being in person. So, after a few weeks of us [the Legislature] not sitting, the discussion started happening about how could there be that democratic accountability. I understood the need for Opposition to hold government to account and especially at such a critical time. So, over those next two years we would go back and forth between the number of folks we had in the Assembly. So, we did start to social distance in the Assembly. We would usually be at about half or sometimes 2/3 capacity. The lowest we ever went down to was five in total in the Assembly, with three on the government and two on the NDP side, there were no independent Members. So, at one point there were literally

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expenditures when the Manitoba Legislature is either not in session or has been adjourned for at least 10 days or indefinitely. In order for the Lieutenant Governor to prepare and sign a special warrant, the Minister of Finance must provide a report stating that no other provision exists for the expenditure, and that the expenditure is for the public good.

151 The Manitoba Legislative Building was built in 1920.

152 This interview was conducted on a virtual platform.

153 Committees are provincial government bodies made up of MLAs who identify issues suitable for government review and debate policy.

five Members in the House,[154] and I was one of them. I was only virtual one week during the entire pandemic, when I had COVID, but otherwise I was always in the Assembly. So even when we were down to five, I was one of our three on our side. We would go back and forth between smaller numbers and bigger numbers in attendance. But, in the fall of 2020, that's when we really started to explore this virtual aspect of, can we have Members come in by Zoom and have video screens in the Assembly? To do this we had to change our rules. Again, it was very agreeable in terms of the rule changes. So, it would be, the rules were the same whether one was coming in virtually or whether one was actually in the Assembly. So, the rights as a member were exactly the same and one had to act the same way. A member still had to be dressed as though they were in person, a member couldn't be in their pajamas for virtual sessions. I have no idea if people were in their pajamas underneath their desks, but certainly one had to be present on camera in the proper attire. So, there were lots of discussions about how that would happen. We had to do that in committees too, because we would have presenters come in virtually from their homes and present in the committees on bills. This started to happen later into 2020-2021 when that technology would start to become—not available—but understandable to us, and how it could work in the Legislative context. It took a little while for us to get our heads around this dynamic. Like, how would Members be coming in virtually? We would have screens at the front of the Assembly and be kind of like that Brady Bunch picture,[155] with all the Members in their little boxes and then when it was their turn to speak, they'd come onto a larger screen. It really took a bit of time for us to get our heads around that dynamic, but it was interesting because when we actually launched it and did it for the first time, it was pretty smooth. I give the Legislative Assembly staff, the Clerk's office and the Speaker's[156] office—all those who worked to get that

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154 Another term for the Legislative Assembly.

155 The Brady Bunch is an American situation comedy series that ran from 1969 to 1974. In the opening credits of the show, all nine members of the main cast (in what would now be referred to as a blended family, the husband, his three sons, the wife, her three daughters, and the housekeeper) are shown in separate boxes on a screen. This is similar to the "gallery view" on platforms like Zoom or Microsoft Teams.

156 The Speaker of the House is the MLA selected by the other MLAs as the person whose role it is to maintain and decorum in the Assembly. Effectively, this person is "chairing"

arranged—a lot of credit because we thought it would be more glitchy than it was. Talking to you today in January 2023, I think we're one of the few, maybe the only, Legislature in Canada that still maintains that technology. Not because of COVID, but because we actually quite like it. It is convenient in committees to be able to, as a Member, even if I'm not on the committee, be able to go and watch it virtually. So, now I listen to most of the committees even though I'm not on them. As House Leader, I like to hear what is going on. I can tune into them virtually; I can see the presenters presenting virtually. The presenters like it, they don't have to come into the Legislative Building We're getting more presenters from around the world, actually, and we'll have to sort of figure that out because that's a new dynamic, because people don't actually have to fly to Winnipeg to present. Of course, they can come from anywhere, and that may not be exactly what was intended in terms of the committee presentation. So, we'll work through some of that. But for the Assembly as well, we've extended the virtual option until after the elections to the fall of 2023.[157] Again, I think we may be the only province in Canada that way, because it is very helpful for Members who are sick, or in the North and there's a snowstorm, to be able to have that option. So, we will see what the future of that is.

But you know, we went from that 2020 period of not being able to conceive how we would have Members do this virtually, to continuing on afterward. We're not doing it because of COVID anymore, it's now more so, "Hey, this is a pretty good opportunity to give flexibility, to make sure Members aren't missing time, and are able to be more engaged in virtual sessions sometimes."

BPS: Okay, so a few points that struck me. One relates to the series of interviews that the journal did. We're publishing a special issue on online dispute resolution[158] in the court system during COVID, and we heard

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the meeting of the Assembly. As a general rule, the Speaker does not vote unless necessary to break a tie in the Assembly.

157 The 2023 Manitoba general election took place on October 3, 2023.

158 *Online Dispute Resolutions: Lessons from the COVID-19 Pandemic* (2024) 46:3 Special Issue Man LJ.

from all sides. We spoke to Deputy Ministers,[159] we spoke to practising lawyers,[160] we've spoken to judges[161]; the vibe that you report is pretty much the same that the profession has. The profession is not known always for collegiality, but it seemed to be kind of like the Blitz in London.[162] Faced with an external opponent, people actually didn't seem to want to take on the mindset of, "How can I take advantage of this to embarrass my opponents?", or anything like that. Everyone, including the bureaucrats running the technology, including the union, everybody seemed to rise to the occasion in terms of actually and actively wanting to make things work, and it sounds like that was the vibe among the parties in the Legislative Assembly. People were not thinking, "How can I use this for my advantage?" Instead, people were thinking, "How can we keep the process, the little bit of democracy, working?"

KG: Yeah, I think it should give Manitobans, and maybe more broadly, people, some comfort. It should bring comfort knowing that in a time of crisis, while people generally see us arguing about everything—although I think that's even not always a true representation of what happens in the Legislature; but that's generally what makes the news—in a true time of crisis or uncertainty, there really was a coming together, very quickly. There was an understanding that we needed to work together to do this, and I don't remember a real argument about how we were going to work together. You know, there were some disagreements about when we'd come back in person, and how could we make sure that the budgetary stuff was properly scrutinized—those are genuine, and I think, good questions for the Opposition to ask and it's not that the government was unmindful of it. It's just that we had a lot of other things going on. So, it was important for the Opposition to come in and say, "Hey, there is the

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159 Dave Wright, K.C., was Deputy Minister of Justice and Deputy Attorney General of Manitoba from 2017 to 2023.

160 Pamela Leech, Cynthia Lazar, Kris Saxberg, and Greg Evans, K.C. are experienced lawyers with years under their belt in private practice in Manitoba. .

161 The Honourable Justice David Ireland, appointed a Judge of the Provincial Court of Manitoba on June 8, 2023.

162 The Blitz was an intense bombing campaign undertaken by Nazi Germany against the United Kingdom during World War II.

public debate,[163] part of it that needs to happen in the Assembly," and I understood that, and I think the government did. So, we figured that out. But I never really remember a time when we got significantly hung up on how the Legislature could function. Which I think is comforting, and it should be comforting for people to know that in those sort of times, people can come together.

BPS: Okay, so let me ask you, I sort of have a sense that there's dual spaces going on in the Legislative Assembly. There is a theatrical component and then there's sidebars. So, sometimes, you got to go up, and rip into the other fellow, and that's necessary to make your point to the public, and your colleagues, and your constituents. And then, sometimes, you just step aside and say, "Okay, we both did our thing and, you know all kidding aside, what do you really think about this? Or, how can we really make that work?" And so, my question is, am I correct that there's kind of the official stage production and then there's more collegial sidebars on the side? And, secondly, how did the theatre and the sidebars work during COVID? Like, when people were possibly in their jammies,[164] a couple hundred kilometres away, could you still kind of have the thought of, "Okay we did our vigorous attack and we did our zealous defence," now was there still the ability to kind of have those private, more collegial discussions?

KG: Those are really good questions. There's been an evolution I think in the Legislature, and I mean, I have a perspective of both 20 years, but also, I've been House Leader for most of those 20 years, both in opposition and in government. So, House Leaders always work with the other parties, we're always in a conversation with the other parties, almost on a daily basis about things. So, you have more of a connection with the other side , both when we were in government, and now in opposition, than most of my other colleagues would have in the House. So, I probably had more opportunity to establish some of those relationships because I just needed to establish them, by virtue of the job that I had or have as House Leader. So, I think a few things have happened. If I would've talked to Albert

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163 At the time, there was immense public debate about how the province should be responding to the challenges of the COVID-19 pandemic.

164 During the COVID-19 pandemic, many people stayed home due to the lockdowns.

Drieger,[165] who would have been the MLA for Steinbach in the 1970s, or going back to other generations, I think there might have been a sense that there was more collegiality because they sat longer. Sometimes it was just a function of the Assembly. They sat late into the evenings on a regular basis, and so they would go for supper together over to the Charterhouse[166]—I heard stories about that. So, there was a natural element of just being together more that happens, and that probably happens somewhat in Ottawa too, when you're captive in another place. But, because we would sit longer in the evenings in the past, even when I got elected you had more evening sittings, you sit around and talk about your kids, or sports, or whatever, with other Members because you're just there together. Gary Doer[167] really trumpeted some changes to the Assembly in terms of its sitting time, he felt that it would be more family-friendly if we only sat till 5:00 o'clock and less evenings. So, I think when I started working at the Legislature, we were sitting till 6:00 o'clock, even that hour made a difference. But I understand that perspective, you know, from the family perspective, getting home or being able to get home by supper is really important. For rural Members, that maybe had a bit of a different feel, because if you're a rural member in Swan River or in Northern Manitoba, you're not getting home early anyway. Whether the Assembly ends at 5:00 o'clock or whether it ends at 6:00 o'clock, it would not make much of a difference for them. They would be staying in Winnipeg for the night regardless.

But, certainly if you're within the Winnipeg area or the greater Winnipeg area, it is more family-friendly that way. But you do lose some of that connection, so I think, during COVID and after, the virtual part of it is one of those downsides, you do lose a bit of that connection between all

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165 The Honourable Albert Driedger was elected as a Member of the Legislature Assembly of Manitoba for Steinbach in 1977. He was educated at the University of Manitoba. Albert Dreidger served as the Minister of Highways and Transportation from 1988 to 1993, Minister of Government Services from 1988 to 1993 and Minister of Natural Resources from 1993 to 1997.

166 This is a historical venue that includes, food and beverage, entertainment, and a hotel.

167 The Honourable Gary Doer previously served as Canada's Ambassador to the United States from October 2009 to March 2016. He was the 20th Premier of Manitoba from 1999 to 2009, leading a New Democratic Party government. He currently has a position as senior business advisor with the global law firm Dentons LLP.

members. If it's used frequently like during COVID or if it is overused at other times, there is a real downside. You lose connection between members. As an example, you saw it with Danielle Adams,[168] who passed away in a tragic car accident. I mean one of the great sorrows of that is Danielle was an NDP MLA, but also a colleague of the Assembly, and it was really sad and shocking to us when she suddenly died in the car accident. But we didn't get a chance to get to know her as well as we might have otherwise because of COVID, and she and others were virtual for a lot of the time that she was a member of the Assembly. And that was a loss for all of us that we missed that chance to get to know her better. So that's a real distinct situation, where you see that loss of connection, because you don't have as much connection personally. But I don't think the members are going to abuse this privilege of the virtual component, if we keep it going past the 2023 election. I think the intention is that it's supposed to be used in more extraordinary circumstances, such as when you're sick, you just needed to be home, or whatever the situations are. But there has been less and less of that collegial nature because we just aren't together as much for different sort of reasons.

Then, there's social media, I hate to blame everything on social media because that's sort of an easy out, but it does cause Members to be more cautious. With that 24-hour news cycle, everything is a "gotcha moment." That sort of sitting down and having, or trusting that you can have, a lot of off-the-record conversations, isn't as strong—I don't think it is as strong as it used to be in different times. So, you lose some of that, but in terms of theatrics in Question Period versus the other parts of the Assembly, no question. Theatrics are demonstrated around Question Period and then the interactions with the media shortly after that, it's not all bad. But I think sometimes Question Periods become a little too theatrical. I know people who go and watch Question Period are often discouraged by that back and forth—the heckling—and I understand that. I think we can do better with Question Period, particularly when it comes to personal comments. It's one thing if you're having a vigorous debate on policy, but when it becomes personal, it's something entirely different. I think that's

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[168] The Honourable Danielle Adams was elected as a Member of the Legislature Assembly of Manitoba for Thompson as a member of the New Democratic Party of Manitoba. On December 9, 2021, Danielle Adams died at the age of 38 in a motor vehicle crash.

where we end up going off the rails a little bit too much as politicians in Question Period, when it becomes a personal attack. But, when I talk to new Canadians who come in to watch Question Period, a lot of them are amazed that you can question government in that way, because you can't do that in a lot of the countries they are coming from, where you can't vigorously question government in that way. So, they sometimes have a different perspective, they sometimes are in amazement, saying, "Wow, in our countries, if we did that, somebody would come and knock on your door at three in the morning and you don't see your loved ones again." So, I don't want to lose that entirely. I think you really need to have that ability to vigorously go after government in that form because the Opposition, as I recently heard, is essentially the prosecution of the government and they need to be able to make that case. And ultimately if they go too far, they're usually held accountable for that. It doesn't reflect well on them in the public, but beyond Question Period, there's a lot of collegiality. Lots of discussion about, how do you get things moving in the House, between House Leaders, there's a lot of that. Every House Leader I've ever dealt with, with the NDP, or the Liberals, we would often have disputes and have arguments, sometimes sitting right through the summer. But we almost always, at some point, came to a resolution and one that worked for everybody. That doesn't get reported on because, as one member of the media when I got elected in 2003 said to me, "Kelvin, we report when the planes crash, not when they land safely," and that's kind of the reality in terms of the Legislature as well. So, we don't always see all that, but social media has changed that dynamic a bit, the fact we're not together as much has change that dynamic a bit as well. So, I wouldn't want the virtual option to overwhelm the in person, or personal nature of politics. And it's incumbent upon us as elected officials to understand too, that we need to represent ourselves in a better way when we're dealing with individuals. Particularly in this time, I've said to new MLAs that it's one thing to go after somebody's policy, but when you go one step further, and go after them personally, or say, "Because you believe in that policy that means that you're a bad person," that's where I think things have changed. It's gone too far not just in politics, but in society generally. But you can have a good conversation if I say, "Bryan I don't agree with your policy." Then I can have a good conversation with you. If I say, "I don't agree with your policy, and I think you're a horrible person, and you're trying to hurt people because of your policy." How do you discuss things

then, right? That kind of ends the conversation. So, I really caution new Members to not take that one step further, and to realize that—I was saying this to somebody just yesterday—a lot of people leave politics bitter. A lot of people leave politics jaded, and it's one of the things I decided to try to make a specific point about when I entered politics with my wife. We don't want to leave jaded, because you're going to spend a huge amount of time doing this, and you're going to get some good experiences, and you don't want to leave bitter and angry. Part of how you achieve that is you build connections with the other side, and you realize that there are individuals on all sides who are trying to do their best. And you can disagree on the policy, but that doesn't mean that they're bad people.

BPS: Okay, there's lots there to explore. I'll probably give my feelings on this, which are essentially in agreement with yours. Just, before we get to the philosophy and sociology, just in terms of the character of the theatre. I don't use the word "theatre" pejoratively; I do think that it's an important part of our democracy. That it doesn't matter how much power you have, there's still somebody on the other side, who has a forum—and even more important in our scattered social media to have one side perform—where you know you got to answer a hard question. I think that should always be a feature. I know sometimes people say, "Well, people aren't asking questions to get a genuine answer. They're not asking for information." That's not the idea—it could be part of the idea—but the idea is to hold you to account. It's like a cross-examination, it's not, "Were you wearing glasses that day?" The idea was, how good was your actual perception of events given the fact you weren't wearing glasses that day? It's not a 100% perfect analogy, but I think that the theatrical part and the reason we still have it is conserving an important function in our democracy. So, I have a couple questions. How has the theatre actually changed, when it becomes ritual, like how many is in there, potentially in the room, asking you the hard questions? Did that change the nature of that theatrical experience? Did the people sound just as zealous or just as intense over Zoom, or whatever technology you were using, as they do in person?

KG: It changes a little bit, maybe less so than I thought it might, and it also depends on the member. I mean members who are really exuberant in the House, tend to be very exuberant in their kitchen too when they're on

Zoom. So, it is a little bit more depending on the personality of the individual Member. But it's obviously different, because when you're in the House physically listening to somebody on a TV screen, coming in virtually, there is less of an onus to pay attention. There's a tendency for people to talk to other people when the person speaking is not in your physical presence, so it changes that dynamic a little bit for sure. Also, of course when you're on Zoom you're not allowed to heckle. That was part of the rules that we came in with. So, it takes some of the hecklers out of the forum, so it does quiet the House a little bit, which isn't certainly all bad. So, it changes that dynamic a little bit. But yeah, I've seen some people get pretty worked up in their kitchens coming in from Zoom on question periods. And their dogs are probably wondering what's going on, but it hasn't changed as much as I thought it would. But I suspect if we had 2/3 of the Members always on Zoom it would change dramatically. I personally believe that democracy is done better in person, and I've expressed that when we continued to extend these virtual rules. I really don't think it should be the common usage. If there's snowstorms, or if people are sick, or if you have a very important family event, those are certainly important things. We've had too many Members miss their kid's graduations and those sorts of things, so you know, go ahead and use it for those situations. But I think democracy is better done in person, and I think the outcomes are better when done in person as well. So, it hasn't changed as much as I thought, but as long as Members don't abuse the privilege of it, I think it'll be fine.

BPS: Yeah, okay. On another point, the personalization of politics is not just a question of manners. In my view, it's actually an ideological shift in our society. Go back to Saul Alinsky's, *Rules for Radicals*[169] a century ago, they are now basically the rules of engagement generally in society. Personalized, vilify, yeah. The way you get your policy goal achieved is to make it very personal. All politics are personal, and right now we're in an ideological age where if you got the wrong view about something, you're racist; you're sexist; you're a homophobe. Okay, maybe you're wrong, but

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169 Saul David Alinsky, *Rules for Radicals: A pragmatic Primer for Realistic Radicals* (New York: Vintage Books, 1972). Saul Alinsky was an American community activist and political theorist. His book, *Rules for Radicals,* is about how to successfully run a movement for change, targeting the lessons at the current, new generation of radicals.

people are now attributing motives and bias and so on and so forth. Sure, there's an important role in society for weeding out, or challenging things that actually are biased. We're humans, we're always going to have some of that. But it should be possible to debate all kinds of issues without people questioning your validity of the human. Like, "Oh, you just say that because of your religion." I find that endemic in the universities. I'm prepared to say this publicly and I will be saying this, but universities are increasingly not a place, in my view, where people feel they can boldly express their opinion. And one of the things that inhibits them is not you're mistaken but hopefully having these conversations, somebody gets to point out you're mistaken. Maybe it changed my view, or maybe I convince you, but instead it's, "I'm afraid to say anything because I'm an -ist, or an -obe, or something." It's very disturbing to me, as somebody who spent most of their life in the Academy, which I went to partly because I thought it was a place for the free and uninhibited exploration of ideas. It's actually kind of dangerous to frequently take the controversial opinion. So, some of the controversy of course, is where do people express themselves in uninhibited ways? Sometimes on social media, which isn't helping, because you wanted to discuss, and there's a room for people venting, screaming, torching, and flaming, but you'd like to think that in the universities and the Legislative Assembly there's some actual thinking, deliberation, analysis. People actually adapt their views in result to challenge, think more deeply, and think more extensively. Unfortunately, people will always want to actually speak freely in the non-virtual forum, but if you don't let them do it in politics and you don't let them do it in a university, then it gets displaced to other places, such as usually not very enlightening discussions on the Internet, and so on and so forth. Anyway, that's my view, that the world and what I think you're referring to is. I don't think it is just a change of manners, it's just a change in the ideological framing and politics; that your politics are not necessarily personal. You could be born in poverty and nonetheless think that free markets are great. You could be born in great wealth and nonetheless believe in socialism. If we can go any other way, then why can't we discuss one's ideas, rather than trying to make every idea one think's is because of one's background, or personality, your chromosomes, your pigmentation?

KG: Or ultimately about your motives. And, I think, in the Assembly in Question Period you're not— you know, it's Question Period, not answer

period—you're not actually expecting an answer. I've been in Opposition, and you're trying to get the attention of the media essentially, and then you go into the hallway and you explain your point to the media, and then the media really needs to get the answer from a Cabinet Minister because you can't yell in the hallway at the media the same way—you shouldn't anyway— the same way it happens maybe in Question Period. So, the media has become an extension of that, as the media itself has become less effective in a lot of different ways. Because of the economics of media, there are fewer people there that are covering the Legislature, they have less historical understanding of the situations, because they may be covering City Hall, and the Legislature, and the crime beat, or whatever, and thus they're doing a whole bunch of things at once. They may just be taking the video clip and never coming to the Legislature and asking questions, so that part of it has gotten diluted a bit, because there's not as many people doing political reporting. So, sometimes now all you're getting is what's happening in question period and there is no further discussion about it or the media asking things like "Well the critic asked you this, and you didn't answer, but what is the answer?" and holding folks more to account in that way. That has been lost a little bit.

BPS: Yeah, that is something that I think has been happening gradually for a long time, and I think we've got *Underneath the Golden Boy*[170] from earlier years, and I was starting to ask about it as it was starting to happen. It used to be a big press gallery in Manitoba and people whose beat was allegedly the Assembly, and they would write the Legislation, track it, they actually need the policy, as well as the PRA,[171] but the economics aren't there anymore. As we all know, newspapers are economically being driven out, they can't sustain themselves. Well, a few of them can, like the *New York Times*, [172] or the *Wall Street Journal*,[173] but for most of them, economics aren't there anymore to support a Legislative Assembly Expert. So, a

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170 *Underneath the Golden Boy* is a dimension of the Manitoba Law Journal, which focuses on legislation and parliamentary and democratic reform.

171 Prairie Research Associates is a market research firm based in Winnipeg that also can be used to do political research.

172 The *New York Times* is a major American newspaper, based in New York, New York.

173 The *Wall Street Journal* is a major American newspaper, known for its business and financial journalism and its investigative reporting. It is based in New York, New York.

company comes wanting the rant and wanting the counter-rant [in the legislative session], but [the newspaper] doesn't really have time to support it. It must be very frustrating, because I know how much effort a lot of people—in all types—put into the questions and answers. They say that Stephen Harper[174] used to spend an enormous part of his week preparing for Question Period. Then, how did this actually get filtered out? Yeah, there's a small number of us who might actually watch the live proceedings, but most people it's like, "Yeah, what's the headline?" It is very distilled, very simplified, the tip of the volcano so to speak, to the iceberg, but it's not cold, it's hot. But, not getting those intermediaries, reporting, filtering, explaining, and so on and so forth, and that [over-simplification for the masses] has been going on for a long time. Anyway, we try and get *Underneath the Golden Boy* to do some of that analysis.

KG: Yeah, there's no real long form [journalism], and the difficulty is, as that continues to happen the politics—it all feeds together—has become a little more personal. Some of that is social media; people don't have much attention, so they're only paying attention to what may be more salacious. The media, because there is not as many resources, are really only reporting what's more salacious because that's what people then pay attention to, and it all feeds itself. Where I get really concerned is that people may say, "Well you're an old greybeard and that's sort of why you are coming at it from this perspective." But when we as politicians go and say, "I don't agree with you, and I think that you're trying to hurt people because of your views," we begin to personalize it. Now, people are sort of doing that more broadly, they are feeling license to feel that way about all sorts of institutions. They may say, "The Bank of Canada is doing this because they're trying to hurt me and my family." That's not the same as debating whether it was good or bad economic policy to raise interest rates. Now there's discussion about whether they're trying to actually hurt families. The same can be true for educational institutions, or healthcare systems, or government or justice. These large institutions are now not just

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174 The Right Honourable Stephen Harper served as the 22nd Prime Minister of Canada from 2006 to 2015. He is the first and only Prime Minister to come from the modern-day Conservative Party of Canada, after the merger of the Progressive Conservative Party of Canada with the Canadian Alliance/Reform Party. He holds a Bachelor of Arts and Master of Arts in Economics from the University of Calgary.

being questioned for their actions—which is entirely appropriate. They're now being questioned for the motives of those actions. And it's difficult when, I saw a statistic from the US, I think that 32% of folks not only didn't agree with these large institutions, but actively believed that the large institutions of government—not just government—but of government, were trying to hurt them and their family.

How do you hold a democratic society together if that number grows to 50, 60 or 70%? You can't. You can't have a democratic society of 60% or 70% of the people who believe that institutions are actively trying to hurt them and their families. So, it's very important for us as politicians, who are kind of guardians of the democratic system, to be careful of our own language that we're not adding to some of that without evidence. Simply doing it for effect creates a downstream impact that I think can be very damaging for democracy generally.

BPS: If I ask you one thing particular, whether it's with the rest of them we'll see at the end stage. Here's something that generally puzzled me — which was the Bill 64 controversy.[175] I know it was intense, and I live in an area where every second lawn sign said, "Abhor 64" or "Out the door with 64." You know, my joke was if you want to get it passed, pick a number that doesn't rhyme so well. I know there was real intensity of feeling about it, and I would talk to people who didn't even live in the province that come in and say, "How can you even speak to somebody about 64?" I don't get it. I don't know what the intensity was all about. So, just kind of a thing where people on the inside were probably trying a very different thing or a different conception than the way it played, so I just tried leaving it as an open question and somebody would just be puzzled over it. Not talking about your view of 64 but what was all the intensity about? Did you get a feel that you didn't get your actual goals out there? That we never really got a hearing for what you were trying to accomplish?

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[175] Bill 64, *The Education Modernization Act*, 3rd Sess, 42nd Leg, Manitoba, 2021 was a reform bill that proposed sweeping changes to the English-language education system in Manitoba. The legislation would dissolve school boards and centralize decision-making.

KG: Bill number 64 isn't the right one to pick. Lots of rhyming opportunities for sure! It would actually be unusual to have bill numbers that high. That's probably a COVID thing, because we would have lost a lot of bills in 2020, and so when they started back up, we had big backlog of bills. They just get numbered by the order they get introduced in the House.

So, I launched the K-12 Commission.[176] The Commission reported back to me, but then the Bill was introduced, under a different Minister, so it's a bit of a blend in there in terms of Minister responsibility. But all of the flashpoint around Bill 64 clearly was about school divisions, and whether or not you'd have school trustees.[177] So, everything else – about 90% of the Commission's report[178] was uncontroversial. Interestingly a lot of it is now being implemented when it comes to things like absenteeism, or making sure kids are in school, or trying to have more uniform standards across education systems so that everybody's getting similar education, those sorts of things are actually happening. But, all of the debate happened around the school divisions, which wasn't entirely unexpected, that happened also with the Norrie report back in the 1990s[179] which also recommended amalgamations. Then the NDP did school division amalgamations as well as rural municipalities after 1999. Any time you're messing with those sorts of boundaries, or with school trustees and some of that local voice, there's going to be disputes and controversy. I think we probably got hung up just on that, and it never really got beyond that.

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176 The Manitoba Commission on Kindergarten to Grade 12 Education was established to undertake a comprehensive, independent review of the kindergarten to Grade 12 education system. It provides the opportunity to build on strengths and identify challenges to create a better education system.

177 School trustees are members of school boards, elected to govern Manitoba's public schools and make administrative decisions with respect to school divisions..

178 Manitoba Commission on Kindergarten to Grade 12 Education, *Our Children's Success: Manitoba's Future* (Manitoba: Manitoba Commission on Kindergarten to Grade 12 Education, 2020).

179 The Manitoba School Divisions/Districts Boundaries Review Commission, appointed in 1993 and chaired by William Norrie, prepared and delivered its final report in November of 1994. See Manitoba School Divisions/Districts Boundaries Review Commission, *Final Report & Recommendations* (Winnipeg: Manitoba School Divisions/Districts Boundaries Review Commission, 1994).

This is too bad, because I think 90% of that report would have been agreed upon by the public. We got past the school division part, and now a lot of that is actually being implemented. So, there's still good legacy from that, but I mean, I also understand that debate because a lot of that debate rages within government too, and it was not a uniform view. I've been of the view before, and I still hold the view, that there is an important element of local voice needed when it comes to education. The feeling on some things when it comes to education is different, maybe, in rural Manitoba, than it is in Winnipeg. It's probably different in terms of downtown Winnipeg compared to suburban Winnipeg as well. So, I think there is an important aspect to that local voice. How that local voice was going to be demonstrated became the dispute, and everything else kind of got washed away from that. So, you know, at some point I'm sure that there will be a dedicated effort on behalf of yourself or others to take a deeper dive into Bill 64 and see how that kind of went that way, in terms of the debate, but all of the debate focused on a, not unimportant, but relatively small part of that whole review in the Commission.

BPS: I mean, my own big picture view is, there's an important role for the centre to define the standards, the expectations, and periodic centralized testing. And then there should be a tremendous amount of flexibility for people to figure out decentralizing and how they get there. So, that's where I stand on change. But you know, I was looking at the lawn signs and thinking "Okay, you're really mad about this," but I honestly wasn't sure what everybody was mad about. I read the legislation; I'm very sympathetic to that very large, decentralized component and government setting standards. But not hands-on bureaucratic management, allowing a lot of flexibility to achieve the goals on the school board stuff, is somebody who's in favor of flexibility in adjusting local conditions, and trying different things to meet the standard. I still don't quite understand it. I live in River Heights,[180] I don't know who my school-board trustees are. I'm not an uninformed person. I'm not somebody that doesn't pay attention to politics, but honestly when I go to vote, I don't know who these people are. I'm just curious why people were so passionate about the

[180] River Heights is an affluent neighbourhood in the City of Winnipeg.

school trustee versus the Parents' Council,[181] generally that was real big, like those people were attached to that form of parental input.

KG: Well, I think in rural Manitoba, there was a bit more of that. But realistically people in rural Manitoba probably wouldn't be able to name many of their School Trustees either. But it was more of that attachment to people feeling that there is a different value system, there's a different reality in rural places than there is in urban. And each wanted to ensure they had a voice for those different values or priorities. There's a bit of a divide, that did play itself out, for sure. It may just have been an issue of not enough understanding of where this would have been heading. But I also understand that there was a lot of transformation happening in government at different times since our election, and at some point, it's simply too much. But the same debates that were happening within the community were happening within our [the Progressive Conservative] caucus, too.

I mean, again, I personally believe that there is a role for trustees, or something like trustees, in terms of that local input and giving some discretion there. So, there were differences of views, even within [the caucus], that played out and that became public. As Interim Premier, of course, I killed Bill 64,[182] as part of an effort to clean the slate. But also, because there was that sort of disagreement within our own caucus on how Bill 64 was structured when it came to school divisions. So, that division was represented in the caucus too.

BPS: Just wondering before we move back, was some of the intensity related because this was rolled out during COVID? I'm just wondering whether a lot of people were thinking, "Yeah, the province—this is true for how every province runs—is telling me how to live my day. I mean they're telling me to put on a mask, they're telling me to lock down, and if I

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[181] The Bill would have entitled parents of schoolchildren to participate and vote in "school community councils," the role of which includes making recommendations with respect to the administration of schools. See Bill 64, *The Education Modernization Act*, 3rd Sess, 42nd Leg, Manitoba, 2021, cls 84 - 94.

[182] Upon becoming Interim Premier, Kelvin Goertzen announced that Bill 64, in addition to 4 other proposed pieces of legislation, would be scrapped..

perceive Bill 64 as correctly, incorrectly, or somewhere in the middle, as being more centralized control maybe that puts Bill 64 in a different colour than if it had been in a quieter time."

KG: I heard a little bit of that, other people thought that it was part of a larger sort of agenda, and of course, it wasn't. The discussion on the K-12 Commission was happening before COVID. But I understand that perspective. I think I heard most recently some pollsters saying that Canadians feel that they're in a perma-crisis mode right now. Where it's just one crisis after the next; going from COVID, to war, to inflation, to all the different things that have been happening in the world. So, that might have been the early part of that, where there just wasn't space to have a discussion on something as big as school division reform. Or it may just have landed in the same place with people saying, "Yeah, we just want to keep this sort of structure when it comes to education." It's just that we never really had the opportunity to have that kind of discussion, because there was so much other stuff that was going on. It might not have changed where we were landing, because again, there were differences within our own caucus on this, and that played out very publicly and is one reason why I decided to kill the Bill, but that sort of debate couldn't happen really in that environment. There was so much going on at that time, and you know society collectively needed a bit of time to breathe, and to exhale before they started to get into those bigger discussions, I think.

BPS: Now, just on the fact that younger Members are finding it difficult to cope with some of the personalized abuse you get in politics. So, a lot of us are in environments now with Respectful Workplace Policies,[183] and you may have to manifest your anger and resentment in other ways than direct conversation. You're in a place where institutional inhibitions don't exist, right? There's no Respectful Workplace Policy in the Legislation but, "Hey that was really personal." I'm thinking maybe some people are coming out of environments where they're just not prepared for this.

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[183] A Respectful Workplace Policy is a formal document adopted by organizations to promote a positive and inclusive work environment where employees are treated with dignity and respect. The policy typically outlines expectations for behavior, mechanisms for addressing issues, and consequences for violations.

They're not used to the fact, that sometimes, people take really mean, very personal shots, they think, "What? you're allowed to do this," and may not have the coping and resilience mechanisms to deal with it because they don't have the immunity. Just on the side, if anybody ever said, "I never take things personally," they take it personally, or, "with all due respect" means, "with no respect," "duly notice" means, "not paying any attention," but I guess some politicians just leave because they can't stand it. But how does a politician get used to the fact that you're going to challenge, not only intellectually through policy terms, but sometimes somebody, now 20 feet aways, says very personal stuff. Is there anything that can prepare you for that? Is there a way that politicians sort of support each other to cope with that?

KG: It kind of depends on your background. I think this is one of the reasons why we're seeing more people who are political staff and are younger enter politics. Which is not a bad thing, don't get me wrong, because I was involved as political staff and then I got elected, so I'm one of these people, so I'm not being critical. But I think we're seeing more and more where political staff then graduate into elected politics because they're kind of used to it, and they kind of know what's coming. It's not as shocking or off putting to them because they have been around it.

But the Assembly's strength is due to bringing in different people, from different backgrounds, and you don't want the Assembly just to be former political staffers, or just to be farmers, or just to be teachers, or just the businesspeople. I mean, you need that really good mix to get all those different views that makes the strength of a caucus. I've been in caucuses that had a disproportionate amount of people from certain backgrounds at certain times, and you lose a bit of that perspective if you don't have balance within that. So, it's those that are coming from a political-staff background that are pretty used to it. You might see people come from a sporting background and they're used to that sort of competition. Where people struggle with this more are people who are coming from a business environment in particular, or maybe from the school environment. They're wondering what is happening, because it's a bit shocking when they enter into Question Period. But I tend to tell people right away, "Try to reach out and make some relationships across the aisle," because you're going to realize that there's human elements in all of this. Yeah, you do

tell people not to take it personally, but of course, … you sort of internalize it a little bit. But, at some point you have to sit people down and go, "The system isn't going to change so dramatically that it's never going to be adversarial. It's always going to be adversarial, and it's always going to be confrontational." I don't think it should be as personal as its become, and so you should take some responsibility in helping change that and don't be personal, but it's always going to be an adversarial system, and you need to accept some of that going in. There is going to be that heated debate. It's not bad, that kind of respectful debate makes better decision making at times, and it keeps people accountable.

There are some politicians that love question period. I think it's fantastic, I enjoy the debate part of it, Gary Doer loved Question Period. You know, that was his forum. Then, there were other politicians I know who hated it, and they're terrified of Question Period. You mentioned Harper spending lots of time preparing, Brian Pallister[184] spent lots of time preparing for Question Period, so some politicians really sort of thrive in that environment and others don't thrive in that environment. But they have other strengths, and so, to the extent that they really hate that part of it, I asked them to lean into the other parts, because I look at some Members of our caucus that are really good at building relationships with people. It doesn't mean they cross the aisle, but I mean, just with stake holders. And they spend an inordinate amount of time building those relationships and they really, really, like that part of politics. Others don't like to focus on that as much, and so I tend to tell our caucus Members find what your strength is, find what you really like, and then lean into that. For those of you who don't like Question Period, there's some of us who do, and we'll sort of take on more of that responsibility.

BPS: I wanted to go back to a point you made about the non-stop crisis. We heard this from a lot of people who were at the "lawyer" and "judge"

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184 Brian Pallister served as the 22nd Premier of Manitoba from 2016 until 2021. He served as Leader of the Progressive Conservative Party of Manitoba from 2012 to 2021. Previously, he was elected as a Member of the Legislative Assembly of Manitoba for Portage La Prairie from 1992 to 1997. He served as Minister of Government Services from 1995 to 1997. He also served as a Member of Parliament for Portage-Lisgar from 2000 to 2008, He has served as the Manitoba MLA for the riding of Fort Whyte from 2012 to 2023.

ends of COVID, when they had incredible stress to adapt the system under real-time pressure. From all accounts, people came together in a very positive collegial spirit to try and do that, and they do a lot of great things in terms of keeping the courts running. To a large extent, the system actually did pretty well, considering the difficulty of the circumstances, but people also told me in terms of the larger access to justice, all kinds of stuff, like everybody's tired now. Some people don't want to change, they had to do a lot of change quickly, because we were forced into it that kind of cycle, where it hurts right now. Some people think, "Don't bring me big, access-to-justice reforms right now, I'm kind of emotionally, intellectually strung out." So, that's kind of my sense about where everybody is, it's very hard to do deep thinking—and part when you get into politics anyway just because the crush of routine pressure is such—so when you do you get a chance to step back and think really big thoughts I think that's unfortunate. I mean from my point of view, where does the real strategic thinking take place? I'm not talking about strategic electoral politics, but I keep coming back to universities because, obviously I spend a lot of time there. The university system in this province, I think, needs really substantial reforms. It's way too big, it's way too autocratic, way too centralized. When they set up the one system, Manitoba used to have a "one system, many sites" philosophy, that everything was within the branch of the University of Manitoba. Then we decentralized and the University of Brandon and University of Winnipeg were created, that goes with good steps. Now, we have this colossus of Fort Garry, with 30,000 students, 1,200 faculty and then people wonder why it doesn't respond quickly, like why doesn't it train more nurses and stuff.[185] It doesn't matter who you are running, that's why I said critical somewhere other than, it's too big, it's too bureaucratic, it needs to be decentralized. There's no need to be infinitely growing eventually, to what, 100,000 students? Something to think about is how we break it down, and decentralize it. Anyways, after a very long-winded preamble, where is the room for government when you're even in ordinary times to sit back and have these long-term thinking exercises? I quote this often, "You have to do all your thinking about

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185 During COVID, the University of Manitoba (in particular, its Faculty of Nursing) was asked to consider increasing its class size with a government incentive to address healthcare staffing shortages in Manitoba.

foreign policy before you get into politics and become the secretary state, because there's no time to actually think once you're there."

Again, very general question on my part, but is there a space when you're actually in politics, where you can sit back and think about the system reform and big picture of where we're going to be in 30 years?

KG: I think that there is, but it probably is early in a mandate, when you have lots of political capital. You do burn some political capital whenever you are taking on these big system changes. I think, I mentioned earlier, Premier Pallister had almost an insatiable desire for transformation. He was very much pushing transformation in all parts of government which is a lot about, I think, from a perspective of wanting to make bigger changes that he believed were going to be better, but this is taxing on the system overall. I mean, there's only so many people within a bureaucracy and beyond the bureaucracy who can do this work, and that was before COVID. You do have potential to wear people out. There became more awareness of that as it went on, that there was a burn-out factor, I think, both people on the political side, and maybe within the administrative side felt it, because we were taking on so much reform. I think that early on in a mandate is when you probably have the most runway to do that. You probably have the most energy to do it, you have the most political capital to do it, and we were doing a lot of it at that time, taking a lot of it on. And then as you go along of course you lose some political capital, but you also lose some of that inertia even within the administration as people start becoming more tired. Since we don't have a 48-hour news cycle anymore, where you can wait two days to respond; everything asked for is almost in the moment, and that does consume a lot of time and it's difficult for political staff. I've heard a Premier once—it wasn't our Premier, it was from another province—say that the role of political staff is to be driven politically, but sensitive to administration, and the role of the bureaucracy is to be driven by administration, but sensitive politically, and those are true. They sort of match together a little bit, but on the political side there's so much time consumed with dealing with the day-to-day motions, that it is hard for administrators to look at a broader perspective. But, early in a mandate there definitely is more runway to do that. You probably come off of an election campaign where you had all sorts of policies and ideas, then you're implementing them and administration

would've been sensitive to that in terms of what you're running on. But, as you go along both that political capital wanes and you got to be careful of taxing the system too much, and how much change is too much to absorb, and also how much change is too much to communicate. That goes back to the other discussion of the media; less engaged, less historically knowledgeable, and doing everything in 30-second sound bites. So how much can you actually explain in terms of large transformation? So, if you're going to go from health transformation, to education transformation, to financial transformation, you start to lose a message because it becomes impossible to communicate all of that in a way that people understand. Or the narrative just becomes something entirely different if your Opposition frames it in a different way. So, I think that probably is why Canada is a bit of a country of pilot projects. You just setup pilot projects and see how they go because we're a bit incrementalistic that way, so there's a lot of incremental change. I think at the beginning of our government in 2016, we were pretty bold and innovative on a lot of different things, but overtime that does tax the system and you politically for sure.

BPS: I remember George Will[186] writing about the two term limits for American presidents. There's lots of arguments for and against. He said that people get tired, like after you've been President of the United States and your staff—most staff don't last eight years, they burn out much quicker—but the senior people in the government, I know people appreciate on the outside just the physical, biological, and emotional level. Like, yeah, you can do this for two terms, but people get tired.

KG: Well, it never turns off, right? I mean political staff, I've seen from that side and from the elected side, seen it in the Opposition, seen it in government, and there's commonality between all of that and it never turns off. You're constantly—when you go home—you're still thinking about it. The work doesn't end. I recall talking to a Member of Parliament who was elected in the 1970s, they didn't even have a constituency office, they didn't have a budget for an office at all. So, the expectation of

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[186] George Will is a columnist that covers politics and domestic and foreign affairs. He began his column with *The Washington Post* in 1974. He also is a regular contributor to MSNBC and NBC News.

turnaround for things was very different at that time. Now, constituents will e-mail me, and they'll say 30 minutes later, "How come you haven't responded?" That's true in law, and every other sort of field, the expectation for turnaround is much quicker. So, burnout is real; it's not a physically demanding job—we're not lifting a lot of weights as politicians—but there's a taxing element for sure from a personal perspective, and just constantly being *on*, in terms of dealing with issues and always being accessible. So, yeah, I mean you see that, right? Then that way when there's renewal in a caucus, some people retire, and other people come in, that's good. That's not a bad thing, but you want to have institutional knowledge because that's really important, so you're trying to play that balance between new people in a caucus and those who have been there longer to guide people through the system. It's a tough balance.

BPS: It's a paradoxical thing I've seen doing this round of interviews, when we talked to judges, they frequently said, "Why do you expect us to be politicians? Why do you expect us to make policy? Like, why don't you give more credit to the political branches?" But the public, I think actually, has the sense that politicians—that's like the local dude just going to lots of club meetings and doesn't really think hard and deeply the way the judge does with the briefs.[187] My own observations—as somebody who sometimes actually has to study what goes on in the Legislative Assembly of various provinces— are there's actually a whole lot of serious thinking down there. You read a typical parliamentary debate about medical assistance in death or whatever position you take, the caliber of that debate is actually quite impressive. But somehow, it's my sense that the public thinks that elective politics is more shouting and posturing, and somehow judges are more deliberative and thoughtful. Any thoughts on whether that's the perception you get and is there anything we can do to fix that?
KG: I think it depends. One of my first days in law school at Robson Hall,[188] somebody was speaking about the general profession, it was kind of funny because they said, "The bad thing is that to the public, lawyers

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187 "Brief" is a generic term for the written advocacy presented to the court prior to an application or appeal.

188 Robson Hall is the name of the building that houses the Faculty of Law, University of Manitoba, and is treated, by some members of the legal profession, as a synonym for the law school itself.

are the second worst in terms of perception of the occupation. The good thing is that politicians are the worst, and you're not a politician so be happy about that." Of course, now I've been able to be associated with both, both of the occupations that have the least amount of respect among the public, but they also then said something equally true. They said that what people generally don't like about lawyers or politicians is on a broad-based high level. It's not their lawyer or their politician they don't like. So, I think that is true, as you get more granular, as you go down, it's a little bit better. So, if you ask people generally what they think of politicians, you get a pretty negative response. If you ask about their own politician, you probably get more people to say, "Oh yeah, they're a good person. I've seen them in the community," and there's been more connection. It's all about connection and how you connect with people, and it's one of the reasons why I maintain my own social media presence on Facebook and striving to be more personable and have more personal talk about life and family. Making that connection with people because it really is about how they feel about you personally.

So, with judges if people are comparing, judges just don't go through Question Period in the same way we do or have the same level of public scrutiny. They are totally different roles but both vitally important. But the entire system of justice is set up to have a more measured tone. But my guess is, if you ask people about their trust with their local politician in their riding, it would be a better response because they have a more personal connection with that individual. It might wane over time, just because the longer you are elected the more baggage you carry from past decisions. I'm not sure, I haven't seen those kinds of metrics, but my guess is as you get closer and more connected to the individual politicians, the perception improves.

BPS: Yeah, I don't see politicians up close or on a constant basis, I've never been a clerk or political staff or anything. This brought the idea to me, that there are "idea" politicians, and there are "people" politicians. Some people go into it because they love people. Really, sincerely, they just love meeting people and getting to know everybody's story. Some people who actually have been very effective politicians appear to [really like people]. Others, I don't think they actually like people that much. I think they like the ideas, they like policy making. But what are politicians? Are

most people that go into politics a "people people", "idea people", a mix, or somewhere in between? What's the contemporary view?

KG: I would say most of them are "people people", it's difficult to go through the process,the general electoral process, and not deal with people. Because you've got to get nominated, you've got to sell memberships, generally, unless you're appointed by your party. You know most of us go through some sort of process where you have to spend time selling yourself essentially to people, and then maybe selling them memberships if you're going to go through the nomination process. So, most of them that I've come across are "people people". But there is no question, that in any caucus there are folks who are more policy thinkers, or they are more grassroots politicians, or more political animals, and they think more strategically, politically, and there are those who don't really like the political thought process at all. It's a real mix, but part of that is because a lot of people entering politics, unless they've been political staffers or have been around the system, also have that same misconception about politics that a lot of people in the public generally do. So, I mean I have had a lot of people get elected then come to me after and say, "Well we thought we'd all kind of be sitting around and talking about policy every day, coming up with different machinations of a policy." Well, that's not exactly true. It's not true because perhaps you're in Opposition, but even in government, I mean there are those in Cabinet, those not in Cabinet, and some Cabinet responsibilities are bigger than others. There's all sorts of different levels of engagement or involvement, so I think that not unlike the public generally, a lot of people get elected and they go through that phase of almost disorientation. Where they are surprised by the way it is, and they didn't think it would land this way. But, then about a year later they either thrive or they don't, but for most of them, by then, you can find something in the job to really latch onto. So, if they really are people driven, they lean into that. If you're policy driven, they try to find one thing or the other to latch onto. I look at Joy Smith,[189] a former MP, who got onto the issue of human trafficking

[189] The Honourable Joy Smith was elected as a Member of the Legislative Assembly of Manitoba in 1999, as a Progressive Conservative candidate for the Fort Garry constituency. She served in the Legislative Assembly of Manitoba from 1999 to 2003, and was a Member of Parliament from 2004 to 2015.

and that became her issue. And she is a leading voice on that issue across Canada. So, it does give you the opportunity to sort of carve off a particular piece and find the thing that you are passionate about. But ultimately, it has to be people that motivate you to do the job and the desire to help and to be around people. And listen, if you've been elected for a long time, you might be going to the parade in your community for the 20th time. And it probably doesn't feel as exciting as the first time you went. And maybe people are not as excited to see you the 20th time either. So, time plays a role in it as well. But I think generally most people in politics are connected to the people they serve and enjoy being with people. But as in everything, there are varying degrees and not everyone is the same.

BPS: So, you were a very strong law student, Kelvin. You had a strong university background before you went into it, and there are branches of the university that are supposed to be teaching people about public life, the life of a practicing elected politician, or a senior civil service, and so on and so forth.

So, you're seeing the people coming out of postsecondary education, your staffers, or young people coming within political issues. Any thoughts about how well or badly universities are doing in terms of preparing people to engage in public life?

KG: Well, I think the universities are probably symbolic of the rest of society. I think they're becoming a little bit more disconnected from public life and politics, and maybe because they don't see [public life] as that noble of a profession as it once was seen. I mean, how do you ascribe value to it? But maybe the public generally doesn't see it as the noble profession we did 30 or 40 years ago. Maybe they are a little too unsure about what's happening, and how the decisions are made. I think maybe folks feel that all the decisions are just made by a real small group of people, in politics anyway. So, it's harder to have influence beyond that core centre of the Leader's office, so there might be a lot of different reasons. But, for sure, the people who are coming out of political studies are taught a lot of the history of politics. But when you get into the Assembly and actually work with elected officials its very different. Law, I think actually is a really good preparation for working in the Assembly,

because it gives you a skill set of how do you think through certain issues. Not that you are necessarily crafting legislation. But it does give you a good framework for the policy discussion around it. So, I tend to say to people that are interested in politics, either elected, or working in it, there's lots of really good places to use a legal education. You might end up practicing for a number of years and maybe you'll transition into politics. Or like me, maybe you go basically right into politics. But law, to me, is probably the best sort of education to prepare you—not in terms of how the system works—but in terms of the skills that you develop, they do fit nicely into the political system. Then you learn how the system works when you are in it. But those skill sets you pick up in law school are very helpful. How to structure debates, how to structure arguments around policy, you learn a lot about that already in law. Not to disparage political science, but I know a lot of folks coming out of political science are often kind of surprised that it didn't quite prepare them for what the reality was when you get into the Assembly and elected life. But, maybe nothing can.

BPS: Coming from a law background, you learn how to take a position. You learn how to consolidate the arguments, how to argue something that you may not believe in 100% of the time. We have a party system and we have a Cabinet system. So, sometimes you have to argue something which wouldn't have been your first choice, but law school kind of gets you used to the idea that a client comes with a position, and you do your best—hopefully with integrity—to put forward that position. So, in many ways, it would seem to be good training for public life. I have no statistics to back this up, but my sense is, our graduates are quite in high demand in policy-making decisions in a lot of places. In an informal interview, one of the conversations was that they love hiring graduates from Robson Hall in public-health policy development. The skills you develop in analysis—breaking down issues—is considered actually quite useful in policy planning. There seems to be an appetite on the civil service side for the skills that we teach. a smaller and smaller percentage of elected politicians are lawyers. If you go back to John A. MacDonald's[190] time by sense, lots of people in Parliament were lawyers, and a Prime Minister didn't use to have a struggle finding a lawyer to be his or her Attorney General Minister of Justice. That's a thing now, sometimes you don't have more than one,

[190] Sir John A. Macdonald was the first Prime Minister of the Dominion of Canada and led Canada through its period of early growth.

sometimes you have no members of the Legislature—whether Parliament or a provincial legislature—that are actually practicing lawyers. What's the change in either law school education, or public life, that lawyers don't seem to naturally go onto elected life the way they used to?

KG: I've often tried—we talked about this earlier—to lure people into running for us. So, you often go to those professions—whether they're engineers, or lawyers, or different areas—and say, "This is the job, would you be interested? Do you think you would be a good fit in this particular riding?" It's a real tough sell, I mean, all the reasons that we've discussed. That very personal dynamic of the job and the concern you are going to have your reputation attacked. Not only attacked in the Legislature, but maybe in your community, and you're going to be on duty 24/7, and it is difficult to separate the family from that sometimes. Yes, the pay is better than the average paid to Manitobans for sure, nobody's going to be holding garage sales for fundraisers for politicians. But, if you're looking at those professions, law, engineering, those different kinds of professions that you might think might be attracted to go into politics, they are likely going to be taking a pay cut. Often a very very big one. Either in the short term or, certainly, in the long term. For me, financially, it wasn't a good decision to leave the field of law. I talked to some of my former classmates who have been practicing for 20 years and, I mean, this was a bad financial decision if only seen though that lens. So, there are sacrifices that I think are outweighing the attraction for people, and you can sometimes say to them, "Well you can leave, do it for four years, then you go back to your profession." That's not always easy to do in many professions. We see more teachers do that, because the pay is similar. And if you're leaving a public-school education profession and are going into politics, there would be similar pay generally. The pension is essentially the same as well. And if you leave after four or eight years, you can go back into a classroom and you'll get another 20-some students who will be back in front of you. But if you leave the legal profession, or other private professions, you got to restart that again. Your clients don't just wait for you necessarily to come back, so I think it's harder to leave some of the professions to go into politics. And then for all the things we have already discussed, the time and public scrutiny, it can be a hard sell and getting harder. Unless they're really politically driven, so maybe they were political staffers, or their family was in politics, but otherwise, it's tough. Somebody who just

became a lawyer and doesn't really have a close connection with politics, they sort of look at it and go, "I don't quite understand it. It looks really confrontational. You're getting beat up all the time, and the money isn't going to track compared to what I'm making. So why would I do it?" And it's tough to get people to come over.

BPS: Yeah, and there's also, "I want to change the world," but you have to get a lot of buy-in to change anything. Just because you're Minister of Health or Minister of Justice and say, "Oh, I have this great reform idea."

Well yeah, but you got to get a client from the Premiers office. You got to get a buy-in from your own caucus. The civil service[191] might say yes, but if they're not really committed to it, it'll be just watch how fast we move on that. So, yeah, you can get used to the idea of, well I can argue the case the way I want most of the time, being the Minister of anything, people may think I have a lot of power. The Prime Minister decided that the Ministers got to do an awful lot of insulting, and persuading, and buying-in to move things. I think that might be an unexpected frustration for some people who think, "Oh, great. I'm the Minister of Justice. I can fix this. I can fix that." It's not as easy as it looks.

KG: Well, and you don't have to look far right. I mean, consider Bill Morneau,[192] Jane Philpott,[193] neither of which were really ingrained in sort of the federal Liberal Party before they were elected. They hadn't really been party people; they hadn't been political people that came in. But I think both wanted to make a positive difference and change. I don't think

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191 The "civil service" refers to the body of non-political employees who work for the government to implement policies, deliver public services, and ensure the smooth functioning of the state. Civil servants are professionals hired based on merit, and they serve the government regardless of which political party is in power.

192 The Honourable Bill Morneau served as the Minister of Finance and as a Member of Parliament from 2015 to 2020 in the Liberal government of the Right Honourable Prime Minister Justice Trudeau.

193 The Honourable Jane Philpott was appointed Minister of Health in the cabinet of the Liberal government of the Right Honourable Prime Minister Justice Trudeau, on November 4, 2015. She is the first medical doctor to hold the post. She resigned from caucus in the aftermath of the SNC-Lavalin scandal, involving the Honourable Jody Wilson-Raybould and the Prime Minister.

changing the world is the right term, but they certainty wanted to change some stuff. Bill Morneau is just publishing a book that sort of explains some of the frustrations of trying to change anything.[194] Regardless, Bill Morneau and I got locked in a room once together on health accord negotiations. It was a tough meeting. So, I didn't agree with everything he did either, but I get it. If you're coming from the outside, and you don't understand how difficult it is sometimes to move things, you become frustrated pretty quickly with the political system. And we lose good people because of that.

BPS: So, we've been talking about education, and training, and going into politics. Don't feel you're on the spot, you can take a pass, but anything about the discussion we've had over the last 20 minutes or so, that you wanted to ask about or had any thoughts about? About younger people going into political life?

KG: Well, I mean, I would encourage younger people to go into political life, but after they've established themselves in a different way. Generally, I think that's a better path. I was involved politically, but I did go and get my law degree first. It's important to look at a path and another opportunity may come along to change that. I think it's better to be established in something else first if you can. But I do encourage young people to consider elected life as an option at some point. I think that the experiences you get are completely unique, I mean they're different than any other place. So, you really get to meet interesting people, and see interesting things. You might not be able to change everything that you wanted to change, but it's an incredibly unique experience, but you should have something else that establishes you. Both, because (i) that's good in terms of career planning, and (ii) it also makes you more valuable when you get into Caucus. You have to add value when you enter into the system, or you do lose influence and people say MLAs or MPs are just becoming voting machines. They just go and vote. Well, you can have influence in all of that, but you have to bring something that adds value to that system.

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194 See Bill Morneau, *Where To from Here: A Path to Canadian Prosperity* (Toronto: ECW Press, 2023)

Selene Sharpe (SS): This is really funny, because I was thinking about this yesterday. I listen to a lot of political podcasts, and I was just thinking about different career paths, and whether or not some of my friends would go into politics. One of the things I was thinking was, I wonder how early on you have to kind of decide that. Just because people my age have lived for their entire lives, I guess I would worry personally about stuff in my personal life coming out into the public, that maybe I would prefer not to go there. I think politics maybe has gone more into the personal side, and that's a little worrisome.

KG: I've never heard a bad thing about you, Selene, so I think you're okay (Laughs). But I was talking to some young people about that, and they were saying, "Well, I've done so much on social media, I could probably never get elected." At some point, I think the shock value of that is going to wear off a little bit. As almost everybody who runs for elected life fully grew up in an age where they were on social media. I think, there will be an understanding, hopefully others are gaining an understanding, that maybe what you posted when you were 16 years old isn't exactly what you feel at 35. You're always going to be responsible for the things you say, no matter what part of life you're in. But I think as more and more people live that reality and are entering political life, who have this long history of social media my guess is that it is going to become more, and more discounted as time goes along.

SS: Yeah, I'm not worried about anything I have posted.

KG: (Laughs) I wasn't saying you in particular. But you know that was always the case, I mean, there's always stuff—particularly in small communities—if you're running, there's somebody going to be saying, "I remember when you were 16 years old, and blah, blah." But obviously social media documents it, and it makes it more real, and makes it more alive. So, you always have to answer for these sort of things, even before social media. But it's more obvious with social media. But I also think that maybe young—I'm not a young person so I'd have to rely on you two to tell me if this is true or not [referring to two students on the interview call]—I think maybe young people may be becoming more sensitive to that too. Realizing that, "Oh yeah, this stuff is there forever", and maybe are

themselves being a little more careful with what they post. So, there might be a bit of discounting of this as we go along. But also, I think maybe folks who are going through social media their entire life are understanding that this has long-term ramifications, not just for running for politics, but also applying for a job, or dating, or other things too.

BPS: Yeah, this is going to have to change culture, and I hope it will. That people are saying, "Okay, so he did something, he said something outrageous, or did something outrageous when you were X years old." I hope we reached the point of, "So what?" Changing and growth are not bad things. And young people really testing limits, and putting it out there, those are not bad things. That's not where we are yet, but personally I hope we get there. In the European Union, there's actually legislation to promote this concept called "right to be forgotten". The idea is that search services and so on are actually legislatively limited in the case with which one can dig up old history about people. It's one of those things where I don't know if the law really helps that much, you can put into place this legislation, but if people really want to find stuff, they'll be able to find it. So, the only correct thing—I'm guessing—is actually the cultural one. You're referring to tone, you got to be pretty solid emotionally as well as intellectually, to withstand being a politician these days. Some of the reasons you mention—like anybody can dig up anything about you and make it personal really quickly—that's not easy. Just on the point that students are trying to get the idea, you got to be careful on this, it's going to be counted against you. I had this kind of epiphany when I was talking to one of my senior colleagues the other day, and talking about the increased reporting or increased prevalence, the increased prevalence of anxiety disorders, and depression, and so on, in young people. I haven't thought of this before, but my colleague made the point where, it's very stressful when you're not allowed to make a mistake anymore. Like to get into law school, you have to have a staggering GPA, you couldn't just say, "I'm going to try biology, turns out I'm not good at it, I got a C, so what, everybody tried something." That doesn't work anymore, because you've got to have these excellent grades. If you say something that other people think is outrageous in class, you might actually be shunned or disciplined. You *were* being told, "You have this space where you could be yourself on social media." But now you're being told, "No, because anything you might say can and will be used against you." That doesn't build confidence

or resilience. People are increasingly told, "Watch everything you say, watch everything you do." If that's so, the first time you do actually screw up, maybe you can't handle it. You're not used to being criticized; you're not used to the fact we all make mistakes. Any thoughts about that?

SS: Yeah, I noticed that quite strongly. When I entered law school with a lot of my colleagues, everyone was very used to being a type-A student,[195] which I think has probably stayed consistent over the years. But, with the incorporation of social media I think it's even less of a notion of being able to make a mistake—the expectations are so high that even if you make mistakes, you still have to have this level of greatness, or perfection. That is even more stressful. I think social media and being able express your opinions and everything and even having access to a lot of information is awesome, but then it does have some darker sides to it as well.

KG: I think it does. When I was up in Churchill[196] with some officials during my time in government, we were touring the hospital there, and the Doctors talked about the low suicide rate that existed in just the town itself at that time. The town itself is very small, but they attributed it in part to the close connections in the community and just the simplicity of life and need to rely on each other. Some things they mentioned, you don't lock your doors in your car, because you can't really steal the car, because there's no roads out of Churchill. Also, it helps in case there are polar bears in town. It offers immediate shelter to people. And the choices in the stores, while it is very expensive, but there's less choices, so there's not the stress of having to choose between everything. There are studies about sometimes having too much choice is stressful, and we know there's a balance between all the things we want and the simplicity of life. And probably for young people in particular, we've gone way too far in terms of our expectations of everything they have to do, and everything they have to know and figure out, at way too young an age. And as a parent, I'm speaking about that from experience.

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195 A "Type A" personality is characterized by a number of traits, including leadership, time management, and organization.

196 Churchill is a town on Hudson Bay in the far north of Manitoba, Canada.

BPS: Your point about choice, a social psychologist named Barry Schwartz,[197] wrote a book, I think it's called, *The Tyranny of Choice*.[198] That's one of the things that makes us miserable. It's not chocolate or vanilla, now you go to the ice cream store, and you have 31 wonderful flavours, that you actually have to make a choice. Then I feel bad, I could have had pistachio watermelon, and so on and so forth. You would think we're happier because we have more choices, but the responsibility for making the choices, and researching them, and particularly the regret afterwards may be problematic. The critics say this movie was great, I didn't like it, I feel stupid. One of the things that's weighing us down is actually choices. A simpler life can be a happier life. Actually, in my Israel[199] class, where we discuss the sociology of Israel, the ultra-orthodox are the happiest group in society. I think one of the reasons is, they don't have to make a lot of choices. Somebody's figured it out for you, a few thousand years of tradition have figured out to stylize your life. They figured out what you're supposed to eat, what you're supposed to do—get married, have kids, you know—what you're supposed to study. If there's a borderline case, you got a figure in your local rabbi who can guide you through it. People like me on the outside [of the orthodox religion] lived a life of freedom and choice. I found [the orthodox version] so restrictive and still find it so.

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197 Dr. Barry Schwartz is an American psychologist. His work focuses on the intersection of psychology and economics. His research addresses morality, decision-making, and the inter-relationships between behavioral science and society.

198 Barry Schwartz, *The Tyranny of Choice* (Scientific American, 2004). *The Tyranny of Choice* discusses how some choice is undoubtedly better than none, but more is not always better than less.

199 For a number of years, Dr. Schwartz has run the Mishpatim program. This was a collaboration with Hebrew University of Jerusalem. Canadian law students (drawn mainly, but not exclusively, from the Faculty of Law at the University of Manitoba) travelled to learn about the law, justice, sociology and technology in Israel. The participants were given academic credit by the Hebrew University of Jerusalem. This credit was then recognized by their home institution in Canada.

Prior to the COVID pandemic, students spent at least 6 weeks in Israel taking classes and being evaluated. During the COVID pandemic, the course continued virtually. As a result of the hostilities between the Palestinians and Israel, the program was put on pause until the area is safer for all concerned,

On the other hand, security and simplicity may be one of the things that makes a lot of people feel better about themselves. Just feel better about having boundaries, having structure and so on. I think we're increasingly in a society where people don't have that. If you don't come from any particular tradition, everything is a matter for you to choose, and you're responsible. Is that actually making people happier?

By the way, philosophically, I'm pro-freedom. I don't favour a society that tells you what to do, but just trying to be dispassionate about what's actually going on, I'm not sure it's working for everybody or whether the endless possibilities and choices make life that much harder. I think that's what you, Kelvin, or Selene, what you were talking about.

KG: Very much, yeah. I discovered that when my son was looking for his first car a couple weeks ago. Too many choices, and he felt the stress of that, of not making the wrong choice. He struggled to choose between all these options.

BPS: Yeah, we're richer and living longer than ever and we don't seem to be happier than ever. That's a conundrum, everything we're supposed to make of that, not only wealthy and wise, but happy, does not entirely seem to be working out as planned. Not that I advocate for poverty or limitation of choice. It's just trying to confront why is it that a whole lot of people right now are unhappy, to the point of being clinically unhappy.

KG: Yeah.

BPS: And it's not what you would expect. You roll the clock back, to the Second World War, many people had to go off and risk their lives, and they came back wounded in many ways from combat. We still got some of that, some of our Canadians are still going off to Afghanistan, but it's not like it was back in the two World Wars. Yet are people happier now than they were in 1950? I'm not sure they are. A challenging question is, "Why is that the case?" I'd like to think universities are one of the places where we just talk about that, but again. one thing that makes me unhappy is that I'm not sure we have any place where we can just intelligently, dispassionately ask ourselves hard questions, then work together to find or test possible answers. One way to the answers is to put out an idea you

have, and then—let me say it oversimplified—you don't hear, "Oh, my feelings are hurt." It's, "Oh, this is interesting. Now I can adapt my idea and thank you for that, now my ideas have been refined and developed." So, that's something that we as a university should be looking forward to engaging with this idea. And then it is put out there; then somebody draws connections moving from this to that, kind of thinking refined and that's a lifelong growing product. put out in an article a couple years ago, the idea of which was that legal education is designed to create a lifelong learner. So, you have some ideas to start with, but you know how to think. Something new comes up, you may not know what you think about this issue, but you know where to look, how to think, how to look at different views, and how to be self-critical of your ideas. I'm not really sure we're doing that currently, rather than creating people who are scared by putting up the idea and are worried about the repercussions of being controversial. Many don't welcome feedback or criticism and take it very personally, partly because it is increasingly personal. Anyway, trying to switch the end of conversation to end on a high note, to take us to a more optimistic place.

KG: I was going to talk a little bit about that transition to Premier. Some historical facts are necessary here. Brian Pallister announced he wasn't going to run again [as Premier in the next election], but then shortly after, he announced he was going to be stepping down as Premier all together. This was a really quick timeframe, we had about 48 hours to figure this out, between when he announced it and when it was to take effect. And otherwise it would have left a vacuum. I was Deputy Premier at the time, so there were people saying I would naturally become Premier but that's not how the process works, or should work.[200] But there was no experience

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[200] Ordinarily, when the leader of a political party decides to step down, the constitution of the party will determine how the next leader is selected. When the party is in power goes through the same scenario, typically, typically the Premier or Prime Minister would stay on until the new party leader was selected. Once the new party leader is selected in accordance with the party's constitution, the Lieutenant Governor (or the Governor General if this occurred at the federal level) would be asked to give the new leader of the party with the most seats in the Legislature (or the House of Commons, at the federal level) the right to form a government .

This ordinary situation was not available given the short two-day timeline created by the imminent departure of the then-current

of this in Manitoba and normally people would go through the party process and then the Premier would step down, and there would be a transition that way. So, this was somewhat different and there was a real sort of—panic isn't the right word—but lots of different opinions about how this selection of an interim Premier should happen within government, involving the lawyers and the legal side of it. There were different views and opinions, and I was trying to stay out of it somewhat, because as Deputy Premier, there's a sense of well, "Are you just going to step into that role?" I didn't want to be involved in the decision-making about how the process would work. So, I was kind of distant from the decision-making part of it. And then, and I remember I was at a tailor on Regent Avenue and I got a phone call from one of the folks at the Ledge.[201] They said the Lieutenant Governor, Janice Filmon[202] at the time, wanted to talk to me. So, I go back to the Governor General's house, and both her and Gary Filmon[203] were there. Of course, I've known Janice and Gary for many years, having worked in the Filmon government in the 1990s. I guess Janice had been engaging with some of the legal folks over at the Assembly about how this should happen, and how an Interim Premier would be selected. And that had to happen the next day, because Premier Pallister indicated he'd be resigning in 48 hours. So, she kind of was walking through some of what the legal folks were talking about in terms of options. It is important also to remember that this is still during COVID, so we weren't really meeting in person a lot as a caucus.[204] So, I said to her, "What, from your perspective, would make you comfortable?" This is because, remember, the Lieutenant Governor has to swear in whomever was going to be selected to be Interim Premier. So, I asked what would she feel would be the right process? And there was a number of things that she spoke about, and received advice from Mr. Filmon as well, but the key points clearly included that it had to be an in-person meeting of our caucus, so there would not be any sort of concern about influence

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201 The "Ledge" refers to the Manitoba Legislative Building.

202 The Honourable Janice Filmon served as the 25th Lieutenant Governor of Manitoba from 2015 to 2022.

203 Gary Filmon served as the leader of the Progressive Conservative Party of Manitoba from 1983 to 2000 and served as the 19th Premier of Manitoba from 1988 to 1999.

204 Caucus refers to the collectivity of all elected Members of the Legislative Assembly under a single party banner.

among Members virtually, and that it had to be a secret ballot which I think everybody sort of understood. But even just getting clarity that it had to be an in-person meeting, getting that clear understanding of what would make her feel comfortable, was important. So, I relayed that to our caucus at the time, to say, I talked to the Lieutenant Governor and these are the clear points that have to happen. Clearly, a caucus decision, clearly in-person, clearly a secret ballot within the caucus. Then we have to transmit that to the Lieutenant Governor because she has to prepare for a swearing-in ceremony. The decision had to be given to the public in some form or fashion, although that's more of a caucus function to say who is going to be filling that role [of Premier]. So, she was really helpful with her guidance on that but because it happened so quickly and it hadn't happened in Manitoba before, there wasn't a playbook. And it was more complicated, because we were in the time of COVID, but we did it the next day.

By the way, the Cabinet always kept meeting during the pandemic, but we didn't meet in the Cabinet Room, because it was too small. We ended up meeting in the reception room, it's on the second floor of the Legislative Building facing the front of the building, where you have receptions and Cabinet gets sworn in when there is a shuffle. We had this great big, long table and we met there. There was lots of room for social distancing that was required. Cabinet was held for almost two years in that room. For the vote on Interim Premier, we met in a Committee room as a caucus, so there's lots of space, and went through that secret ballot process. I was selected. I just asked the caucus chair —because there was some thought about coming out and just announcing it in the hallway where media was waiting, but my family didn't know. My poor mom, who's not as young as she once was, I didn't want to put her into a tizzy by seeing it on the news. So, I asked, "Can I have four or five hours to disseminate the information to those who may not want to hear it on the news?" So, the caucus agreed to that, and we agreed that we'd put out a statement at 6:00 o'clock, but we would advise the Lieutenant Governor right away. So, Greg[205] advised

[205] The Honourable Greg Nesbitt was elected as the Member of the Legislative Assembly of Manitoba for the riding of Riding Mountain in 2016 and was serving as the Minister of Natural Resources and Northern Development at time of the meeting referred to here.

the Lieutenant Governor, Janice Filmon, right away of the decision. I had till about 6:00 o'clock to advise my family. My wife and my son came in to Winnipeg, we had supper, at Brown Social House across from the arena on Portage Avenue and discussed how the whole process would work. How Premiers get sworn in, of course, is usually a pretty grand ceremony. I wasn't interested in that, because this was a very different sort of selection process. The media I think kind of felt that maybe I was trying to hide from them by not having a more open swearing in. Of course, after I had taken the oath of office and met with Cabinet, I went directly to a lengthy news conference so that wasn't the case. We had the swearing-in at the Lieutenant General's house. It was a very small and private ceremony, part that was because I wanted to be more private, and I didn't want to make this anything more than it was. It wasn't a normal way that somebody gets the office of the Premier, even in a short period of time. So, I wanted to have some humility in it, and not to make it more than what it was, but also, I didn't want to dismiss it as being unimportant either. So, we held that at the Lieutenant General's house. My mom, and my in-laws were there, of course my son, and my wife, my niece and my sister. I also knew that Janice would make it comfortable for them. So, this is for my mom again, I mentioned she wasn't political, didn't grow up in a political family, but she was used to being around a politician by this time. But we held it there, because I knew that Janice would make her feel very comfortable because that's just the kind of person that Janice is, and she did that. She made her feel very at home, very at ease, even in that situation. We did the swearing-in ceremony with her and the Chief of Protocol.[206] Then I went across the street to the Legislature, and we had our first Cabinet meeting with myself as Premier. I left the Cabinet composition the same as it was before, leaving changes for a new Premier, and then I had a media conference where we announced we wouldn't be going forward with the five bills that had been held over by the Opposition, including Bill 64 and others. But that was really the process we went through. I think it was the right process, the right way to do it.

BPS: Yeah, a lot of people don't know there's no automatic process in our system. There are customs and conventions but sometimes—God forbid, a

[206] The Chief of Protocol in Manitoba is a senior government official responsible for managing ceremonial and diplomatic protocols for the provincial government.

first Minister or certain federal officials, suddenly died—sometimes, the Governor General actually has to make some choices. The Governor General will always try and find some processes that everyone will regard as legitimate, so they don't have to make a personal choice. It's not like this is spelled out in legislation, or in the Constitution, which I guess quickly became apparent when you were in the actual situation. It sounds like it was handled deftly all around. Now I remember when Jean Chrétien[207] became Prime Minister, the First Minister of Canada. My recollection, he immediately told everybody, "Everything's changed now, I'm not your friend anymore, and I may have to fire you, and I may have to tell you to cut your budget. We were John and Bill before, but now I'm the First Minister, I'm the Primer. I'm not saying that critically, or that may be a necessary thing, that's a thing you got to do when the buck stops there. Did you feel any of that, or no, because you knew it was not going to be for a long period?

KG: Not in terms of loss of friendships, because I've been in caucus so long, but I noticed some things right away. That first Cabinet meeting, first of all you walk in, and people say, "Good morning, Premier." You sort of stop and go, "Where's the Premier?" So, there's that element of it, but also, when you are making decisions at the Cabinet table, you'll hear from different Ministers on the decision that you're making. On this particular morning, there wasn't a strong consensus on an issue we had to decide upon, and so then everybody stops talking, and someone says, "And the decision is?" and they look at you, because ultimately, as the Premier, you're making the final decision. So, you learn very quickly there's a reason why they say the buck stops there, because it does. I mean 80% of caucus or Cabinet decisions, you reach a consensus once you go around and you hear from different Cabinet Ministers, but there are 20% of decisions where there's division, there's divide and then ultimately the Premier makes the decision. So, that became a very apparent difference to me, very quickly. Even though it was an interim period there are always decisions that have to be made daily. That was especially true during the pandemic. So, you still have to exercise authority and make decisions. At that time, you have got to remember, we're still in the middle of COVID,

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[207] The Right Honourable Jean Chrétien served as the 20th Prime Minister of Canada from 1993 to 2003.

there's lots of anxiety in society. We had a Cabinet Minister resign.[208] We had the statues torn down[209] at the Legislature and the demonstration. There's all this anxiety. I knew very clearly my role was to come in and try to bring the temperature down. Doing away with five bills that were held over was important. We could've easily passed them in the session, but it was the right thing to do away with them and give a clean slate for the new Premier. That also was part of bringing the anxiety down though. So normally, in a situation like with Candice Bergen,[210] you become Interim Leader when your party is in opposition, not in government, where you're also Premier and then making executive decisions. But often what happens in opposition, the challenging part is keeping the party together, because something has happened that the leader has resigned and you're trying to keep the party together, and bring folks together. In this situation it was both of those things, there was obvious anxiety in the caucus and there was the work of government that had to continue. I thought, because I've been around for a long time, I had the unique ability to keep

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208 The Honourable Eileen Clarke resigned as Manitoba's Minister of Indigenous Relations in July 2021, only a few months prior to the resignation of Premier Brian Pallister, although she did remain as a Member of the Legislative Assemble of Manitoba following her Cabinet resignation. See Caitlyn Gowriluk, "Manitoba's Indigenous relations minister resigns from cabinet after premier's comments on colonial history: Eileen Clarke confirms she resigned Friday — 2 days after Brian Pallister's latest comments" (*CBC News*, July 14, 2021), available online: https://www.cbc.ca/news/canada/manitoba/eileen-clarke-resigns-cabinet-pallister-indigenous-1.6102299 [https://perma.cc/BCS2-LK4N].

The Honourable Heather Stefanson resigned from Cabinet on August 18, 2021, to campaign for, and ultimately win the leadership of the Progressive Conservative Party of Manitoba, and thereby become the 24th Premier of Manitoba, succeeding the subject of this interview in that role.

209 On July 1, 2021, two different statues (one of Queen Victoria, the other of Queen Elizabeth II of the United Kingdom) both on the grounds of the Legislative Building were toppled by a group of protestors sought to honour victims of residential schools. See CBC News, "2 statues of queens toppled at Manitoba Legislature — Queen Victoria reigned during the time Canada enacted its residential school policy" available online: https://www.cbc.ca/news/canada/manitoba/queen-victoria-statue-winnipeg-1.6087684 [https://perma.cc/WG3Z-FFYF].

210 The Honourable Candice Bergen served as the Member of Parliament for Portage-Lisgar in Manitoba from 2008 to 2023. Previously, she served as the Interim Leader of the Conservative Party of Canada and the Leader of the Opposition from February 2, 2022, to September 10, 2022.

the caucus together and bring some degree of harmony to the caucus. And then at the same time continue to run government; it needed to be run for two to three months. So that was a bit of a dual track and I tried to ensure that both of those happened. But immediately I knew that my role there was really to give people assurance and bring calm. The government was going to continue on, but to try to take some of the steam out of the division that was happening in society more generally, and I think we did that pretty well. Both holding the party together so that the new leader could inherit a caucus that was united, but also try to take some of that temperature down from what we were feeling in society.

BPS: Yeah, just for educational purposes, again, our Constitution really doesn't come and set out what First Ministers do. It makes you think that Cabinets deal with anything in the Executive branch on a provincial level, or like Queen's Council of Canada at the federal level. Almost all of this is by convention, and by convention in Canada, we have not had a presidential system like the United States, but it's presidential-ish, in the sense that if you're having a Cabinet meeting on something controversial, it's mostly about persuading the first Minister. This is not a Manitoba thing or a federal thing. In a story about a Cabinet meeting in the United States, Abraham Lincoln[211] went around the room and all his Cabinet Secretaries went, "Nope, nope, nope, nope," and then Abraham Lincoln said, "Yes." So, it's unanimous in favour.[212] Anyway, the point is that in First Ministers, they're ultimately the decision maker, or the First Minister would look for consensus. First Ministers would be very hesitant to do something with the entire Cabinet shaking their head in the real world. But for a lot of things, ultimately the Premier has to decide, it's not a majority-vote thing, and the Cabinet discussion maybe trying to persuade the Premier. I'm guessing on some of them there is—after all the thinking in the world—no clear answer, but the system needs a decision. It may not be the one, it could be a 51 to 1 or a 50 to 1 or a 49 to-1, but ultimately,

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211 Abraham Lincoln was an American lawyer, politician and statesman who served as the 16th President of the United States serving in that role from 1861 until his assassination in 1865.

212 It is not clear whether the story conveyed here was historically accurate, but nonetheless, it did show both the ability of the President in general (and Lincoln in particular) to stand on principle. Some accounts indicate that this story may have rooted in Lincoln's reaction to the Cabinet discussion of the Emancipation Proclamation.

you got to make decisions. You made a decision that the five bills would be gone, it's a pretty big decision but ultimately, you have to make it.

KG: Yeah.

BPS: Did you have the feeling, just by contrast when you had a very senior portfolio—with [the Ministry of] Health in particular—did you have the feeling with a little bit of comfort of knowing that the Premier ultimately was a backup and a check? Or did you feel that you did some of these, it was really your decision, and you didn't have that?

KG: Yeah, I mean because the way our system is you always have a check. So, no matter what, any sort of significant decision making you need Cabinet approval. Or if you need financial authority you go through Treasury Board[213] first, which is a check, and then it's got to go through Cabinet, which is a another check. On the policy side, normally you go through something called priorities and planning, so most governments will have a Priorities and Planning Committee[214] of Cabinet. So, if it's a big policy decision you'll end up going to Priorities and Planning, which is a group of Cabinet Ministers, generally, maybe a few caucus Members as well. Then, that goes to Cabinet after, so there's all sorts of checks in the system when you're a Minister. So, it's not so much that the Premier is a backup, but there are lots of checks generally before something big gets to Cabinet.

Premiers generally don't go against their caucus too often. It does happen, for sure, but the more you do that, of course, you're losing goodwill as you

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213 The Treasury Board of Manitoba is a key committee of the provincial Executive Council (or Cabinet) responsible for managing the province's financial and administrative resources. It oversees the planning, allocation, and expenditure of government funds to ensure fiscal responsibility and accountability.

214 This committee of Cabinet has to a mandate to advise Cabinet "on policy direction and priorities to Cabinet and oversees the implementation of government's priorities." See Province of Manitoba, "Legislative and Public Affairs Minister's Briefing 2021 Premier Transition November 2021" (Winnipeg: King's Printer for Manitoba, 2021), at 10 online: <https://gov.mb.ca/asset_library/en/proactive/briefings/november2021/lpa_binder.pdf> [https://perma.cc/L54Q-S3X2].

go along. So, even in a Cabinet situation where there isn't a consensus, you'll see Premiers often hold the decision for a little while and hope that it will sort itself out a little bit in time. Or they can go back and relook at the issue and find more common ground as opposed to making the decision at that [Cabinet] meeting where there isn't a consensus. Sometimes the decision just has to be made, but the more you're doing that where you don't have the majority of your Cabinet supportive, you're losing some capital within your own caucus, and Cabinet too, and at some point, that does come back and haunt you. So, I think that most Prime Ministers and Premiers are reticent to go against their own Cabinet too often. This is so particularly as government matures and become more vulnerable to the electorate, that also causes you to want to keep your folks more together for sure.

BPS: Back to the transition, sometimes yes, Lieutenant Governors are going to have to make choices. What is the support system for the Lieutenant Governor, do they have permanent staff who can lay out the precedents and give them advice? It has to be kind of lonely there, actually being the Lieutenant Governor that has to deal with the unprecedented situation that arises.

KG: They do have staff, but they were relying strongly on Legislative Counsel, for advice from Legislative Counsel.

BPS: Oh, okay.

KG: But it was a scramble. We didn't have the history of this in Manitoba, but for sure they were getting advice from Legislative Council. But even then, there can be different views about it. Essentially, what you need a caucus to do is demonstrate that a leader has the support of the Assembly to govern. That is demonstrated through the majority caucus. So, the caucus has to demonstrate that this individual has our support to be the leader. How that can be demonstrated becomes the argument. How do you demonstrate that? Is it demonstrated through a vote? Is it demonstrated because that person's the Deputy Leader? Is it demonstrated through the leadership of that caucus? That became sort of the decision point, how do you demonstrate that the individual has support? The obvious and clearest way was an in-person secret ballot vote and it was the

right way to do it. It was a little trickier during COVID because of short time frames to get everybody in, but it was the clearest way.

BPS: You were stepping up and being the transitional Premier. Now, everybody should understand you were the Premier of Manitoba, you weren't the Acting Premier, but generally speaking, the way these things work, like the Acting. The Opposition steps up for a while, and in the transition, by doing that you basically disqualify yourself from being the 'Premier Premier,' right? You had to decide that you didn't want to be the Premier, so anything you want to talk about at this stage about why you didn't want to?

KG: Yeah, I mean there's a couple things. One is you have to look at where you are in your career, and I think if you're going to run for Premier, you have to say, "I'm in this for eight to ten years." Maybe, you don't win it, but that's the mindset you should have. So, that's part of it, I think you ought to see where your family is at, in terms of their perspective on doing this for that duration of time.

But then, I think you have to look at where the party is at, and ask "What is the party looking for, and what kind of changes is the party looking for?" I got a clear sense that there was a desire for change, not just in terms of how the government manages itself, but how the government looked. There was a desire to go in a different direction. So, all of those things play a role, you look at both your own personal bandwidth, or runway, I suppose, maybe in an electoral sense. You look at your family's desire on these sort of things, but you should be looking at where the party is looking to as well. The party will express that desire in a campaign, in a leadership campaign, but you get a pretty strong sense, early on particularly, if you've been a part of the party for a long time. What is the party looking for in terms of change or transition at the time?

BPS: People on the outside may believe every caucus Member wants to be in Cabinet, every Cabinet member wants to be the Premier. I remember a judges on the Supreme Court of Canada, with students saying, "Isn't it so awesome when you get to sit down there, and be on the Supreme Court of Canada?" And the answer was essentially "Yeah, they kind of look at me, this is so exciting, this is so great, but it lasts 15 minutes, and after that, all

you feel is responsibility." I mean you've been in politics long enough to know that this is not being the lead singer in the band, it may look like, "Isn't it fun to be in charge of everything?" But actually, there's an awful lot of responsibility, criticism and stress that goes with it. I guess you've been in politics long enough that being Premier for a couple of months was okay, but you don't know whether that's a curse or a blessing to be Premier for eight or ten years.

KG: Because I've been Minister of Health, I always say if you've been Minister of Health, it's kind of the closest comparison to being Premier. In fact, I would say being Minister of Health was more difficult than being Premier in a lot of ways. But I was really looking at where is the party was at, where we were at with the electorate, what do I think we need in terms of change within the direction of the government, and so it was a bit more of that. I wasn't daunted by the role itself, not because I was overconfident or naïve, but having been in most of the senior positions in government, you get a pretty strong sense of what you'll be in for. And I believed I could do the job. But, for me it was more about where is the party at, where is the family at? Those are clearly the decision points.

BPS: OK so we're coming up to our time limit. Is there anything right now that we didn't ask about or you really wanted to address on the transition or something?

KG: On the transition, I think a lot of the things that we did in that short period of time, they were really a bit about bringing calm to society. But there were also important policy decisions that got put in place or that began a process. We had the first Truth and Reconciliation Day.[215] So, I wanted to participate actively in that, together with opposition leaders, and to show that there was unity there, because I thought that was important. We brought a bunch of diplomats to Churchill because we wanted to show that we were re-engaging with the outside world. We

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215 The National Day for Truth and Reconciliation is a Canadian holiday to recognize the legacy of the Canadian Indian residential school system. The day honours the children who never returned home and survivors of residential schools, as well as their families and communities.

weren't through COVID yet, of course we had the Omicron wave[216] yet to come, but we didn't know that at the time. But we wanted to show we were going to re-engage with the world, so bringing diplomats to Churchill was part of that. I actually took the train to Churchill, I think I was the only Premier to ever take the train to Churchill. I just wanted to experience that part of it. So, I drove to Thompson[217] and took the train, a very interesting sort of experience, and I think everybody should do it at least once. You might not do it a second time, it's a pretty slow train, but it's worth doing it, and experiencing that. I enjoyed getting together with the Bombers[218] and awarding them the Order of the Buffalo Hunt[219] for their first Grey Cup in many years. These were the sort of things that were not related to the pandemic so that people could feel that life was a little bit more normal again. We did try to begin some things that would have more lasting impact as well. For example, starting that process for a land acknowledgement in the Assembly.[220] This started by getting a committee together to look at that. We lit the Centennial flame,[221] which only had been lit twice before, once for Canada's Centennial and once for the Canada Summer Games[222] being held in Winnipeg. It's this flame that

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216 The Omicron wave was a significant surge in COVID-19 cases caused by the Omicron variant (B.1.1.529) and its subvariants. It began in late 2021 and peaked in early 2022, with multiple waves following due to emerging subvariants like BA.2, BA.4, BA.5, XBB, and later, EG.5 and JN.1.

217 Thompson is a city in northern Manitoba, approximately 760 kilometers north of Winnipeg.

218 The Winnipeg Blue Bombers are a professional football team located in Winnipeg, which plays in the Canadian Football League

219 Manitoba's Order of the Buffalo Hunt was established in 1957. The honour is bestowed by the Province on individuals and groups who demonstrate outstanding skills in the areas of leadership, service and community commitment.

220 Land acknowledgements have become common practice in Canada as a way to honour past, present, and future contributions of Indigenous people. Land acknowledgements demonstrate a desire to work and collaborate with Indigenous peoples and a commitment to social justice and equity.

221 The Centennial Flame, or the "fire of friendship," was erected in 1967 to commemorate the Canadian Centennial.

222 The Canada Games alternate between winter and summer iterations. It is the largest amateur multi-sport event in Canada. In 2017, the Canada Summer Games were hosted jointly in Winnipeg, Gimli and Kenora. Kenora is a town in northwestern Ontario but is less than an hour east of Winnipeg.

almost nobody really knows is there, on Memorial Avenue across from Memorial Park, and I asked that it be lit for Remembrance Day. So, that's continuing on, they did it again this last year, so hopefully, that's a continuous thing where we light the flame for Remembrance Day to honour our veterans. But I also thought it was important that we also have some fun in the job, because it hadn't been a real fun time in society for a while. Some of that was personal, and some of it we did publicly. One was that my son was turning 15, because his birthday is at the end of October. He wanted to have his birthday party in the Premier's office, and I said, "Well you're not going to be able to have your sixteenth birthday party there," because whoever was going to be the Premier probably wouldn't allow it. So, we did, we had his friends come in and we had his 15th birthday in the Premier's office, and then we toured the tunnels underneath the Legislature and went up to the Golden Boy. So, that was really fun and special for him. Another example, when I was Deputy Premier, we were doing a lot of stuff in terms of projecting things onto the Legislature and trying to make the building feel more connected to people. Different awareness days would have their logo or colour projected on the building. Or when the Jets or Bombers were in the playoffs we would project their logos. One day a couple of years before becoming Premier my son said, "We need to shine the Bat Signal[223] on the Legislature." I said, "Well as funny as that is, Malachi,[224] I don't think that would go over well." Then as it turned out, it was near the end of October when I was Premier, and he said, "We should shine the Bat Signal on the Legislature Building for Halloween." Of course, I said, "That's crazy," and then I stopped, and thought, "Well, I could probably justify that." So, I called up the Chief of Protocol to get the slide for the roof projector. And I asked him if he could get a Bat Signal slide in time for Halloween? This would've been my last act as Premier, because the transition [to the next Premier] happened in early November. Sure enough, he got the Bat Signal, so we went up there on the roof of the building and there was Kim[225] and Malachi and I shining the Bat Signal on the Ledge for Halloween. It was

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223 The Bat Signal is an element of the DC Comics stories involving the super-hero Batman. The Bat Signal is a unique light used by Gotham City to tell Batman that his city needed him.

224 Malachi is the name of Kelvin Goertzen's son.

225 Kim is the name of Kelvin Goertzen's wife.

actually quite amazing, because when we went down in front of the building we saw people were stopping their cars and taking pictures. It actually was an unseasonably warm Halloween, and I could hear people were saying, "Oh there's the Bat Signal on the Legislature." It was really fun, and anyway, it won't be the most important thing I ever did, but I'll always remember putting the Bat Signal on the Legislature. It was a good reminder, in what had been a tough couple of years, that it is important to still have fun, and to sometimes not take yourself too seriously.
They didn't do it last year [2022], so maybe that tradition might not last, but I think it should, they should put the Bat Signal up every Halloween!

BPS: Well, when people look back on their lives, nobody says, "I wish I spent more time with briefing books." They say, "I wish I spent more time at my birthday parties and stuff." It sounds like you have had the opportunity to do some stuff.

KG: Yeah, well, that's the one thing I say to people entering politics, I've talked to some people—even in the last few days—about running for politics, and they've got young kids. I know there's an element of sacrifices that you have to make. You're not going to have perfect work-life balance, but there are unique things you can do, that you don't have the opportunity to do otherwise. That was one of them, having my son's fifteenth birthday in the Premier's office and the Bat Signal, so there are unique things you can do in office.

BPS: So, what you were saying from earlier interviews,[226] getting to meet a whole lot of people in the community, a lot of learning, just meeting a whole bunch of people and seeing what a politician's like. The fact that you can integrate the personal in with the professional account, a lot of days the take your kid to work days must counter-balance and gain back the lost family time.

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226 In a previous interview, Kelvin Goertzen discussed his involvement in his local community and his ability to involve and integrate his family in his political career. He discussed his wife's participation in political events, and his son accompanying him to federal, provincial, and territorial meetings.

KG: It does, those are unique memories, for sure. There's a bad part of it, public life, but there's a lot of positives. But you have to be intentional about it, you have to actively do that. It's very easy to let time slip by, and go well that takes some planning, and you know that's another day that I'm not home, if we're going to do that with the family. You have to intentionally say we're going to do this. I've never regretted being intentional about doing things with the family in public life.

BPS: Is there anything you want to make sure that we cover?

KG: In terms of decisions, I did ask for the pandemic emergency order to be ended during my time as Premier. There was some controversy around that. I didn't find it controversial, because I think everything that we needed to achieve with the emergency order, we'd moved into legislation, and it was really more symbolic at that point. And I personally didn't think you should have an emergency order in place for symbolic reasons. So, I had an active discussion about it with the Cabinet and Cabinet agreed with me that we should end the order. So, I thought that was important. There was maybe some confusion because people thought the end of the order meant the end of public health restrictions. I always try to clarify to people that that wasn't the case, they were distinctly different things, public-health orders and emergency orders are not the same thing. But I felt continuing with the emergency order was more than was necessary at that time and you shouldn't use it if you don't need it. I don't think you keep it for reasons that are symbolic and not actually required. We didn't require it; we moved the last thing we needed into legislation. So, we could retire it, and we did.

BPS: Finding over our legs over those months, meant returning to peacetime state.

KG: Yes, peacetime states on both sides, on the party side and on the public side. But absolutely, [we wanted to] bring people a sense of calm, because that was being lost, and that's not a criticism of the former Premier or anybody else involved in the administration. That was a reality, where we were with the times and, you know, I thought I could bring that sort of calmness to folks. I think it probably went as well as I'd hoped.

Some people may not know, but from a process perspective I had to resign as Premier. It's not just you elect a new Premier; I had to actually resign. So, I wrote my letter of resignation out and I asked staff to check with Her Honour [the Lieutenant Governor], ask Janice, "Do you want me to fax this over or e-mail it over, or how would she like it?" She said, "No, I want him to walk it over," like I want this to be an official sort of thing. So, I did, I walked up to Government House and knocked on the door and she received me, and I gave her my resignation letter. We had a nice talk there, and in part of the discussion, she asked, "What would you have changed over those two and half months?"—or whatever it was. I said, "Absolutely nothing, Janice, I think it actually went—for me and my family, and I hope for Manitobans—it went as well as I could have hoped."

So, she was grateful to hear that because of our personal relationship. I think you serve in the time that you're asked to serve in the positions you are granted. I served in the best way I could, and I think it went as well as I could have hoped and I continue to serve now, in different ways.