



**First Session — Thirty-Second Legislature**  
of the  
**Legislative Assembly of Manitoba**

**STANDING COMMITTEE**  
on  
**RULES**  
of the  
**HOUSE**

31 Elizabeth II

*Chairman*  
*Mr. D. James Walding*  
*Constituency of St. Vital*



MG-8048

**VOL. XXX No. 2 - 10:00 a.m., TUESDAY, 21 September, 1982.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

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Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	NDP
DOLIN, Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virden	PC
HAMMOND, Gerrle	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupert's Land	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

**LEGISLATIVE ASSEMBLY OF MANITOBA  
THE STANDING COMMITTEE ON RULES OF THE HOUSE**

Tuesday, 21 September, 1982

**Time — 10:00 a.m.**

**CHAIRMAN — Hon. D. James Walding**

**MR. CHAIRMAN:** We have a quorum, the Committee will come to order.

I believe the agenda has been distributed to members and also some background material. If anyone doesn't have that material and wants some we have additional copies.

Mr. Anstett.

**MR. A. ANSTETT:** Mr. Chairman, before we begin I have a letter of resignation for this meeting from Mr. Brian Corrin who was on the Committee.

**MR. CHAIRMAN:** Is it the will of the Committee to accept the resignation? Agreed? Agreed and so ordered.

Mr. Anstett.

**MR. A. ANSTETT:** Mr. Chairman, I would like to move that Mr. Don Scott be elected to substitute for Mr. Corrin for this meeting.

**MR. CHAIRMAN:** It is Moved and Seconded that Mr. Scott be a member of the Committee. Is that agreed? Agreed and so ordered.

Mr. Ransom.

**MR. B. RANSOM:** A point of clarification, Mr. Chairman, that the Motion is just for this meeting and that there is going to be then perhaps a different person on other meetings of the Rules Committee?

**MR. CHAIRMAN:** Mr. Anstett.

**MR. A. ANSTETT:** Mr. Chairman, it was unclear whether or not Mr. Corrin would be able to attend future meetings; it was our intention that it would be Mr. Scott if Mr. Corrin was unavailable for future meetings, but Mr. Corrin had difficulty attending today.

**MR. CHAIRMAN:** I believe that membership on the Committee cannot be made conditional for a particular time in advance. Mr. Scott is elected to the Committee the same as any other member and it is up to this group to make further changes if they wish to in the future.

Mr. Ransom.

**MR. B. RANSOM:** Well, I would just like to know, has Mr. Corrin resigned from the Committee?

**MR. H. GRAHAM:** He would have to be replaced.

**MR. CHAIRMAN:** Yes, that was the text of the first letter that I have.

On the note that I sent out to members there was Item No. 9 - Other Matters. It has been indicated to me that Mr. Penner wishes to have a matter added to the agenda. Would you add the matter of Question Period,

Mr. Penner, under Item 9?

Are there any further items that members wish to have added to the agenda?

Mr. Graham.

**MR. H. GRAHAM:** Mr. Chairman, getting back to the matter raised by the Member for Turtle Mountain, I believe this is not a letter of resignation from Mr. Corrin. The letter says: Dear Sir: This will confirm and advise that I will not be able to attend the meeting set down for today at 10 o'clock for the Committee on the Rules of the House and would ask that you accept Don Scott, MLA as my substitute and/or replacement for this meeting. I don't believe that is a proper letter of resignation.

**MR. CHAIRMAN:** Mr. Penner.

**HON. R. PENNER:** I would readily agree with Mr. Graham that it is somewhat lacking in precision and elegance but I think the last clause makes it clear that he, when he says "my replacement," that it can be construed, and I think it is only fair to construe it as a letter of resignation from the Committee and it should be accepted as such.

I think you are right in pointing out that is all it can be. Mr. Ransom pointed out that there is no provision for just a temporizing kind of "I can't be here today, but I'll be here next time." It is accepted as a resignation.

**MR. CHAIRMAN:** Mr. Sherman.

**MR. L. SHERMAN:** The final clause makes reference to this meeting, Mr. Chairman. You have already ruled that Mr. Corrin has resigned from the Committee and he has been replaced by Mr. Scott, so we have moved beyond that reference to this single meeting. Is that not correct?

**HON. R. PENNER:** I would agree.

**MR. CHAIRMAN:** I didn't read the letter when it was put forward by Mr. Anstett. I took his word that it was a letter of resignation by Mr. Corrin.

Mr. Fox.

**MR. P. FOX:** I think we should get our facts correct. No member can appoint himself or change his membership on the Committee temporarily, he either is on or he isn't on. That is the total matter to the issue and so therefore if he can't be here, and he has indicated that he is not going to be here, he is resigning for today. Whether he wants to resign for other days or not and get back on, he will have to talk to the members who are going to nominate him because he can't nominate himself.

**MR. CHAIRMAN:** I believe that has been the way that the Committee has accepted this particular letter, that it is a letter of resignation, that it meets the approval of the Committee, that Mr. Scott has been elected to the Committee, and that is the way it stands.

If there is nothing further on that matter, is there anything further to be added to the proposed agenda? If not, is the agenda agreed to? Agreed

and so ordered.

## NO. 1 - PROCEDURE ON PRIVATE BILLS

**MR. CHAIRMAN:** Can we then begin with Item No. 1? If you recall, there was some discussion under Private Bills at our last meeting and I believe what we had intended then was that the wording of the Rules reflect the actual practice. I am told that when this matter was under examination that the procedure under Private Bills had developed over decades and it may be that this is a reasonable time to examine the whole thing and see whether it is really effective and up-to-date.

On Page 1 there is some material on Private Bills and there is a suggestion at the bottom of the page. What is your will and pleasure?

Mr. Graham.

**MR. H. GRAHAM:** Mr. Chairman, I believe it was just a matter of three or four years ago that we did make some changes in the procedure on Private Bills. In that particular case I think we dealt purely with the monetary aspect of it, but if that has caused any undue hardship then I think we should have some information as to whether or not it has caused any trouble.

**MR. CHAIRMAN:** Mr. Sherman.

**MR. L. SHERMAN:** Mr. Chairman, I don't have any difficulty with the Motion that is offered to the Committee for consideration. It doesn't lock us into anything. I don't see any reason for not having the Standing Committee and the Officers of the Assembly review the mechanics regarding Private Bills and have a look at what amendments might be desirable to improve those procedures. If we don't like them we won't accept them when we are finished looking at them.

**MR. CHAIRMAN:** Mr. Ransom.

**MR. B. RANSOM:** Mr. Chairman, I would suggest that in reviewing it then that staff try and determine for us the reasons why some of the practices are in place before we throw out existing practices; that we know what the background to those practices was, because things like that have a habit of coming back once you eliminate them and some time down the road you find out that there was a reason for it. So, in their review, perhaps they would try and dig back and determine that.

**MR. CHAIRMAN:** Any other comments?  
Mr. Santos.

**MR. C. SANTOS:** Mr. Chairman, I would like to know why the exception relating to the Sergeant-at-Arms?

**MR. CHAIRMAN:** Mr. Mackintosh.

**MR. G. MACKINTOSH:** For the Committee, the Sergeant-at-Arms is not a Procedural Officer of the Assembly. His purpose is to maintain the furniture and fittings of the Assembly and provide security in the Chamber itself and precluding any involvement in

procedural matters.

That Motion would include the Law Officer, the Deputy Law Officer, the Clerk and the Clerk Assistants.

**MR. C. SANTOS:** Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Penner.

**HON. R. PENNER:** I would concur with the suggestion of referring the matter to the Officers of the Assembly as in the proposal.

**MR. CHAIRMAN:** Any further comment? If not, does the Committee concur with the recommendation of the Motion No. 1? Agreed? Agreed and so ordered.

## NO. 2 - PRINTING OF VOTES AND PROCEEDINGS; BILLS

**MR. CHAIRMAN:** No. 2. Do you have anything to add, Mr. Mackintosh?

**MR. G. MACKINTOSH:** Yes, if I may. The Votes and Proceedings have historically been reproduced by way of typesetting and as you are all aware typesetting, although a very attractive print, is also fairly costly, and while we all are trying to become more cost efficient, I simply propose this to the Committee for their consideration. We haven't gone into any in-depth cost analysis of comparison. What this suggestion would simply mean was that we could study the implementation of word processing and I know that the Legislative Counsel Office is equipped this very day to produce camera-ready copy for Queen's Printer duplication. The Clerk's Office does not yet have that capability.

I spoke with the Queen's Printer last week regarding their duplication facilities and whether they would be able to meet our time schedule and they think they would. I think the bottom line really is that we're looking at major cost savings here. Now I have for the Committee some examples. It's a comparison of the present Votes and Proceedings with the Word Processing Votes and Proceedings.

Another benefit of this process is that the Votes and Proceedings, in particular, can be kept within the Clerk's Office, can be produced totally within the Clerk's Office and would cut down on unnecessary duplication of effort in producing this publication. I think Rae perhaps can talk on the bills.

**MR. CHAIRMAN:** Mr. Fox.

**MR. P. FOX:** Yes, one of the things I'd like to know is, what are the costs now for Votes and Proceedings? You indicate you had no cost benefit studies, but yet you're saying there's at least a 40 percent savings. How do you arrive at that if you had no cost benefit studies?

**MR. CHAIRMAN:** Mr. Mackintosh.

**MR. G. MACKINTOSH:** We've had cost benefit studies in the general sense and it currently cost \$21,000 to produce Votes and Proceedings for a typical 90-day Session. We are looking at a reduction of about \$8,000

we figure, for the elimination of typesetting, but there are other costs involved. For instance, the duplication costs and the labour costs within the Clerk's Office, in this case, that we cannot pinpoint at this time, and I don't want to get into a detailed study without an approval in general, in principle, from the Committee that we could look at this kind of print. In other words, is this kind of print acceptable for a publication of the Assembly?

**MR. P. FOX:** Another thing, Mr. Chairman, what would a word processor cost approximately, ball-park figure?

**MR. G. MACKINTOSH:** For the Clerk's Office itself we have requested \$22,000 for the word processor. As I already stated, the Law Officer already has a word processor. We are attempting to justify the word processor for the Clerk's Office, not solely on the basis of reduced costs of producing Votes and Proceedings, but for other benefits within the Clerk's Office and for production of the Order Paper, which I might add is already done on a word processor.

**MR. CHAIRMAN:** Mr. Santos.

**MR. C. SANTOS:** Mr. Chairman, I'd like to register that I favour these changes, not only because it will be more efficient, but it will give flexibility in the preparation of the Votes and Proceedings. Even most of the modern printing establishments nowadays have shifted from the old traditional typesetting method to this new computerized thing for the sake of not only efficiency but cost saving as well.

**MR. CHAIRMAN:** Mr. Graham.

**MR. H. GRAHAM:** Mr. Chairman, speaking to the Motion made by the Honourable Member for Burrows, I think we have to remember that Orders of the Day are an in-House document that are printed and once the day is over they're no longer of any benefit to anyone. We have gone to word processing for that, but Votes and Proceedings are the official Minutes of the proceedings of the House and they are preserved for posterity. I know in the period when I was Speaker of the House there were considerations being made then, but we were unable to provide, through the word processing system, a quality of product that was acceptable to maintain for posterity.

I would suggest that you have one example, I will circulate another one of the Order Paper printed by the word processor and the Votes and Proceedings by the typesetter. I am not a printer, but I have had considerable experience with people that do quality work and take pride in their work and I submit there is no comparison between the quality of the work between the two. When you're considering that you're printing a record for posterity that will survive long beyond our time we had better think carefully about the quality that we put out because it may reflect on the quality of the work that we do as well. Maybe we are doing inferior work here and the word processor would, quite adequately, reflect the quality of the work.

**MR. CHAIRMAN:** Mr. Anstett.

**MR. A. ANSTETT:** Mr. Chairman, I share to some extent Mr. Graham's concern, particularly in view of the fact that the Votes and Proceedings does become the Journals of the House. Several years ago a change was made which eliminated the need for separate paste-up individual typesetting of pages to create the Journals. They are just pasted up by eliminating the Votes and Proceedings heading on our current Votes and Proceedings.

What we would in effect have is our bound Journals consisting of a series of these word processor produced Votes and Proceedings and I think we should decide first whether or not we want our Journals, in the final sense of the word, done that way, because if we don't, then we are going to end up having to re-typeset to produce the Journals and then there is no cost saving because the cost of retypesetting the whole thing would be just as high or higher than the cost of typesetting them originally each day. So, if this is acceptable for our Journals as a permanent record, about which Mr. Graham indicates some reservations - and I would share those reservations - but if we found that it was acceptable for that purpose then, fine. As a daily minute it may or may not be acceptable, but for the Journals I have some reservations as to whether or not we want that as a permanent record.

Another thing I would point out for Mr. Santos' benefit, this is not typeset now; it is computer typeset by the printers; it is not cast-in-lead old style, it is already done computer style. As you mention most printers are into computers already and it is done that way now so we are not in any way old fashioned with the current style of typesetting. In fact, the printers that do it do it in a very modern way.

The concern I have, if we go to this, is that in some ways it may be subject to the same problems we've had with Hansard, which I understand are on the agenda later, in terms of the fact that the Legislative Assembly does not have first priority use and control of the equipment in the space that is used for its Hansard operation. And, if that were to happen, in terms of having control and first priority for the Assembly, of this new equipment tied into the main system down in Hansard, then we might have less flexibility, less maneuvering room in terms of getting the work done than we would have right now contracting with an outside printer. So I have some reservations; those are more questions than anything else.

Mr. Mackintosh mentions the question of cost-benefit and the costs of labour in the Clerk's Office. I don't think that the labour costs there are that crucial since I don't suspect that even if we get the system we are going to be eliminating one of the two people presently providing secretarial support in the Clerk's Office. So if we are not going to be eliminating them, labour costs may not be a crucial cost factor. I have some reservations. I think the idea is attractive; I am not completely convinced of the quality and I am not completely convinced that it gives us the flexibility that we need.

Votes and Proceedings, as I recall, has always been very prompt when we've been dealing with outside persons. Speed and those kinds of factors don't appear to enter into it; they were more important though with the Order Paper.

**MR. CHAIRMAN:** Mr. Penner.

**HON. R. PENNER:** Mr. Anstett raises some important concerns or questions and I think that before we make a final decision we should get answers to those questions, particularly with respect to the amount of cost saving and whether or not there is the added efficiency in the production of Votes and Proceedings that is being suggested. I think that these become the important things.

If there is, as is suggested, some significant saving, then I'm not at all concerned that the quality that is demonstrated here is such that we could not tolerate it. In fact I think, as I understand it, the Orders of the Day which was circulated, is also word processing, is it? Well, this particular example is not a particularly good example. I think you can do much better on word processing. There are different types of typeface that you can get on word processing and I'd like to see some other samples because if you look at the Orders of the Day it's a much more presentable copy. If the quality of word processing can be made somewhat better than I think it is at least acceptable quality. It has to reach that threshold level of course, but if it's acceptable quality and if there are savings then we all realize that we are long gone from the Cadillac world and this is not just a temporary aberration in the economy. I think it is something that we're going to see, with some fluctuations, for the next 25-50 years and where significant savings can be made, in my view, they have to be made, so I would suggest that we find out with a little more precision as to the amount of money that it is suggested we can save, whether or not, in going to word processing, we will in any way sacrifice the efficiency of the production of Votes and Proceedings or whether, indeed, we will enhance it as has been suggested. But subject to that, I think I'm saying now, in concluding, the same thing that Andy has said. I would vote for going to word processing because the quality can be brought up to an acceptable level.

**MR. CHAIRMAN:** Mr. Sherman.

**MR. L. SHERMAN:** Mr. Chairman, I was just going to place my concern too on the question of savings and the operative word really is "significant." If there are significant savings that can be made it has to be looked at but if there aren't significant savings to be made then I don't think there's any comparison between the existing method and the word processing method in terms of readability.

From an aesthetic point of view, if one can afford aesthetics, there is simply no comparison although I would agree with Mr. Penner that I've seen better word processing productions than this one, I'm not suggesting that is the example, and the unalterable example, that we are going to get from the word processor. I believe it can be improved too but if there is no significant saving to be made then, for reasons already cited by Mr. Graham, the permanency of the record and the public exposure of that record, I would be very much in favour of maintaining the present method of typesetting and production.

**MR. CHAIRMAN:** Mr. Graham.

**MR. H. GRAHAM:** Mr. Chairman, I think probably I was more involved in the changeover than any other person sitting around this table and when we originally went to the word processor we had extensive meetings. The pros and cons, the merits and what the machines could do were spelt out to us on numerous occasions and also some of the pitfalls that are also available. I would suggest you take a look at the printing of the word "Committee" with a word processor, on both, by word processor and typesetting. With the Wang System that is presently in effect it is impossible to properly space "m's" and "w's" so that you get a quality job such as you do get with typesetting, one of the things you have to live with when you convert. We recognized that when we went to the system for our use in Hansard and many other Government documents because of the elimination of two or three phases in the printing and the advantage of time that you could get through a word processing system. However, Votes and Proceedings you do have a little extra time in the printing of it and I hope that we will be able to get the actual costs. It's not too difficult to break that out and I think when you consider all the aspects of it you'll find that the cost saving is not that much.

**MR. CHAIRMAN:** Mr. Scott.

**MR. D. SCOTT:** Thank you, Mr. Chairman. The main concern I have I think is with the storage capability of it. We're talking about records for posterity sake as was mentioned earlier by Mr. Graham. I think if the word processor produced has the same storage ability - what I'm thinking here of is some of the earlier photocopies. You go back into library records or even your own personal records back a number of years, and you find paper being brittle and the copy falling off the sheet and that sort of thing. First off, are these photo copied or are they produced as originals every run?

**MR. G. MACKINTOSH:** In the present Votes and Proceedings?

**MR. D. SCOTT:** Yes, and also the other.

**MR. G. MACKINTOSH:** It's photographed.

**MR. H. GRAHAM:** It also has the same storage capacity as a word processor.

**MR. D. SCOTT:** So there's no difference in storage capacity in one versus the other, okay then. I think partially on a savings for the printing costs at least we have some fix on our cost if we're producing it ourselves through a Word Processing Centre, use of the Centre. If possible, like does the Clerk's office really need to acquire another word processor at a projected cost of \$22,000 which is really quite an expensive word processor. Do we need to incur that additional cost or can it be handled by the system we already have downstairs and in place there. I think then we would come into that much more of a cost savings if that was possible.

Regarding the quality of the two. You talk about two m's being closer together, if you take a look at the

current typeset one we have, a number of the letters are not properly formed if one wants to get picky about "m's" or "w's" being too close together. If you look at the word Penner the vertical lines of the "n" are not even on the paper.

**HON. R. PENNER:** I noticed that I thought it was an abomination.

**MR. D. SCOTT:** The "12:30," the "2" is not properly formed and down below, I mean, this has more gaps in the printing itself of what is supposed to be set than does the word processing copy. I'm not terribly concerned of the quality because I think from my own eyes I feel that by using a larger type than the small type that is being used on the current copy you can just change your daisy wheels or whatever else you're using on the system for a different type. I think if there are savings to be made we shouldn't even think twice about going to the word processing system. I think we should think twice about buying additional word processor if we can use the present system.

**MR. CHAIRMAN:** Mr. Mackintosh.

**MR. G. MACKINTOSH:** Just interpreting the wishes of the Committee I propose that I go back and do a detailed cost study of this proposal and bring it back to the Rules Committee at some time in the near future. For the next Session of the Legislature we will continue to use the present process of type setting. Again, in the meanwhile we will examine what kinds of typeface are available as alternatives to what we proposed here today and look in detail at the cost savings that would be realized. Is that the wish of the Committee?

**HON. R. PENNER:** See if you can get Italian Bodoni instead of Prairie Gothic.

**MR. CHAIRMAN:** Would that suit the will of the Committee to have Mr. Mackintosh continue as he has outlined? That's agreed.

Mr. Tallin on the same No. 2.

**MR. H. GRAHAM:** Mr. Chairman, we have a Motion, I believe, Mr. Santos maybe would care to withdraw.

**MR. CHAIRMAN:** There was no Motion on the floor.  
Mr. Tallin.

**MR. R. TALLIN:** With respect to the Bills, there is a slightly different problem. One is that we get the Bills typeset, in the first instance, always and they are typeset from a disc which is prepared by the word processing machine. After the Session the Bills are converted into Chapters for publication and the binding of the records of the House; insofar as Bills and Chapters are concerned, is in Chapter form with the exception of one bound copy of the Bill and that's the original Bill.

As far as I'm aware the original copies of Bills are looked at very rarely. Perhaps once or twice a year someone may want to look at an original Bill. Usually it's the Legislative Counsel Branch to find out whether or not we have made an editorial mistake in something

that's being published. So that there's a double typesetting operation.

The printing costs for the Bills and the Chapters are the same, that is the machine work on the presses, but the typesetting costs are different. The typesetting costs for Bills are \$13.50 per page. When those are retypeset for converting into Chapters it's not a per page charge, it's an hourly charge for editorial changes. During the last two years that has run at approximately \$7.00 to \$7.50 in that period per page.

There is one other aspect which should be looked upon and that is that in several other provinces of Canada what are called Third Reading Bills are produced. We have not been producing Third Reading Bills for 20 years now because of the costs. Third Reading Bills are bills which are prepared with the Committee amendments added to them so that the members of the House will know what they are debating on Third Reading or perhaps at Report Stage. It's one of the requests that we've had from time to time that we go back to printing Third Reading Bills and from time to time we have. One of the difficulties is that the Committee stage of the House, as you well know, usually takes place in the last week-and-a-half or two weeks of the Session and we're busy enough worrying about getting the amendments prepared for Committee without worrying about doing editorial work on getting Third Reading Bills done. So by the time the Third Reading Bills are available the usefulness to the House is passed; that is, we normally have not been able to produce them until after the House has risen, at which time the Chapter is what people are interested in.

What I have distributed before you are two copies: One is the typewritten sheet as we use it in-house and that is the large sheet. If it was determined that you wanted to proceed by having the Bills done by this method it would be reduced to the size of the second one. We didn't go to the trouble of mocking-up the Bill the way it would be here, but essentially at the top of the page Bill 6 would be in large bold face print. The cover of the Bill would be almost the same as it is now, because the only change would be in the title and the number. Of course, it is possible we could produce bills without a cover page at all, just start page 1, this, and the name of the person introducing it would be at the top of the page which would, in most cases, reduce the cost by two pages, because in typesetting you pay for the blank pages as well as the full pages and quite frequently the back page of the cover is not printed at all, it is just a blank sheet.

It is possible, as Mr. Penner pointed out, that we could get another typeface by using a different font on the printer. Although I think on the printer that we have there is only a choice of about four fonts and that is because we would have to have a bilingual font, you wouldn't want one font for English and another completely different looking font for the French version. I think there are only four different styles of type that are available in French, although I think there are about thirteen in the English versions.

**MR. D. SCOTT:** Then people who couldn't read either language could differentiate.

**MR. R. TALLIN:** That's right. Insofar as time is con-

cerned, time has not in the past been a very great factor in producing the Bills. Time has been a factor in producing the Chapters.

What we have done this year is, instead of using the old typeset Bills, the Printer uses our updating from our word processing and takes a brand new disk and processes it, but he gives us the same charge of \$7.50 per page as though it was an update because that is in the contract, but it is cheaper for him actually to take and reset the whole thing from our new disks.

What we are intending to do is to cut out the front part of the typesetting operation altogether and go to typesetting that is done from the word processor and any cost saving in this will depend upon what kind of a contract the Printer can give on his next tender, because his present contract terminates as of December 31st and he has to tender for his next period of printing. I would rather suspect that cost will not be higher than it is now, but we haven't cost that out yet what the Queen's Printer's cost would be in producing the equivalent number of Bills by an in-house duplication system of some kind.

What we wanted to do, just in the same way as the Clerk suggested, there is no use going into a long-costing process in this if the Committee is sort of adamant about saying, no, they want the Bills in the formal typeset manner.

I should point out to you that over the past ten years there have been about a half-dozen Bills introduced in only a typewritten form in any case and that is because on the last day or the second last day of the Session sometimes an odd thing crops up that people want done and rather than send it over to the printing establishment to be done and wait for perhaps 24 hours, we just duplicate it on a Xerox machine right in the building here and produce a hundred copies of typewritten Bills and distribute those. So, in the past there have been typewritten Bills used in the House in any case.

**MR. CHAIRMAN:** Mr. Graham.

**MR. H. GRAHAM:** Thank you, Mr. Chairman. The Legislative Counsel has said that it depended on the number of fonts - you had four fonts, I believe - and I know there is a possibility - in fact it exists today - where you can get a font that will automatically print English and French, but we are prevented from doing that, I believe, through legal terminology. Is that correct, Rae?

**MR. R. TALLIN:** I think there are programs that will translate English into French and French into English. They are very simple programs and they work quite well for catalogue-type of operations, but our information is that they don't work too well when they are translating textual matters, where the context of words may give different meanings.

**MR. H. GRAHAM:** You stated that it was about \$13 for typesetting per page and about \$7 or \$7.50 for the second go-around. What is our cost for translation per page at the present time?

**MR. R. TALLIN:** I am afraid I couldn't tell you.

**MR. H. GRAHAM:** Do we pay by the page or by the word?

**MR. R. TALLIN:** By the word, and it varies because we have some done in-house and I don't know that they have ever - the ones being done in-house at the present time are being done by trainees being trained in translation, and presumably their speed will improve, but then, of course, as they get better training I presume their salaries will improve too, so there may not be much of a difference. However, the cost per word varies depending upon who you are contracting with and I have heard - this is certainly not firm and fast - figures as high as 29 cents a word and as low as 18 cents a word.

**MR. H. GRAHAM:** So our translation costs are somewhere between 18 and 29 cents a word at the present time.

**MR. CHAIRMAN:** Is that it, Mr. Graham?

**MR. H. GRAHAM:** Yes, that was all.

**MR. CHAIRMAN:** Mr. Santos.

**MR. C. SANTOS:** Thank you, Mr. Chairman. I would like to direct a question to the Legislative Counsel. I want to know whether the more extensive use of word processing would give the capability to your office to produce a Third Reading version of the Bills.

**MR. CHAIRMAN:** Mr. Tallin.

**MR. R. TALLIN:** It would make it possible if the House was moving a little more slowly between the Committee Stage and the proroguing or adjournment of the House after Royal Assent, but even if they decided to continue to have the bills processed and printed in the same way they are now, if we were going into a Third Reading Bill I think we would, at least initially, use the Third Reading Bill concept only with duplication of a typewritten bill off our processor, because that would mean that we would have an additional \$7 per page in an intermediate stage plus all the printing costs.

**MR. C. SANTOS:** Mr. Chairman, I think, if it is at all possible, it is more important in fact than the First Reading version, because the Third version of the Bill is practically the approved Bill itself, and it is a serious sin of omission for the last 20 years, the Legislature not doing this for posterity sake.

**MR. R. TALLIN:** Third Reading Bills have nothing to do with posterity, people throw them away as soon as they get the Chapters. —(Interjection)— What?

**MR. C. SANTOS:** . . . people who are doing legal research.

**MR. R. TALLIN:** They can find that from the Chapter, because the information is all in the final version Chapter. We are not proposing that we do away with the formal typesetting of the Chapter version.

**MR. CHAIRMAN:** Mr. Anstett.

**MR. A. ANSTETT:** I just want to be clear on exactly what Mr. Tallin is asking us to consider. As I understand it, what we would be looking at is a reduced copy of full-sized typed copy to be the working copies of the bills that we use in the House, that are distributed to the public while a Bill is under consideration, that are considered in Committee, and that by doing this you could then produce, by just running your tapes through your word processor again, updated versions at Report Stage and Third Reading Stage, that could be reproduced the same way to produce copies such as this.

**MR. R. TALLIN:** Yes.

**MR. A. ANSTETT:** And that the only loss is the loss of the formal typeface that we've had in the past. Could you still do such things as put the heading above sections in bold print, is that possible?

**MR. R. TALLIN:** Yes, because the bold print is just done by retyping it. You will notice that the names of the members on this one are in bold face and that is just done by retyping it twice.

**MR. A. ANSTETT:** That's all it's . . .

**MR. R. TALLIN:** That's all it does, yes.

**MR. A. ANSTETT:** Can your machine be programmed to retype those lines?

**MR. R. TALLIN:** Yes, you just press a key and ask it to retype it.

**MR. A. ANSTETT:** So we could get our headings in bold type. That's the one thing when I look at this page I find missing.

**MR. R. TALLIN:** The difference between bold face and ordinary face type in the processor, as you can see, is not quite as much as it is on the printed bill but it is enough to attract your eye to it.

**MR. A. ANSTETT:** To break it out, yes, because that's the only concern I have about it.

An ancillary question then. Since we haven't had Third Reading or Report Stage Bills in the past, and you express concern about the amount of time required, how much time would be required? Our Rules provide essentially 24 hours for Report Stage consideration, minimum, and usually it's more like 48 or 72. In that situation, on a Bill which had been heavily amended in Committee or heavily amended at Report Stage - in which case after the Report Stage we can only, by leave, go into Third Reading - we normally have to wait 24 hours. If members had a concern, let's say an average of 48 hours, even under the pressure-cooker situation that we're usually in in Speed-up, would that be possible to produce those in this format if you didn't have to back typeset?

**MR. R. TALLIN:** I would say that 90 percent of the time it would be, yes.

**MR. A. ANSTETT:** It would be.

**MR. R. TALLIN:** At the present time I think the bills delivered are about 1,000 copies, 900 copies or something like that. We wouldn't produce that many of Third Reading Bills, we would probably only produce 150, essentially for the Members of the House.

**MR. A. ANSTETT:** Mr. Chairman, I would like to suggest then that we not only go with this but that we go without the cover and eliminate those extra pages as well.

**MR. R. TALLIN:** If we didn't have the cover we would reduce the front page and make it start about halfway down because there has to be a certificate on the top often.

**MR. CHAIRMAN:** Mr. Ransom.

**MR. B. RANSOM:** Mr. Chairman, Mr. Anstett just dealt with the question basically that I had about producing the Third Reading Bills through word processing and I think when that becomes possible that it would be an advantage to the members to have that available.

**MR. R. TALLIN:** I should point out that we could do the Third Reading Bills without giving up the printing of the original bills, because that's a complete rehash of it anyway at the Third Reading Stage, which we hope to be able to do anyway.

One of the difficulties is that if we go to Third Reading Bills, at least initially, it would be very difficult to get them typeset in the same format as the present bills and, therefore, it is not easy to compare, because your lines don't fit in as easily; whereas if they are both done on the same typesetting machine, then you can compare and you say, well there is something different in that line.

**MR. B. RANSOM:** Well, I have always felt that the review of the bills has been one of the weaker points in our legislative process and anything that would contribute to making a review of the bills easier and more thorough would be useful and, therefore, I would favor going to the word processing for the production of them. It would allow, in most cases at least, to have a Third Reading edition of the bill available, or whatever the terminology is you're using.

**MR. CHAIRMAN:** Is that agreed? Agreed and so ordered.

Item No. 3

**MR. R. TALLIN:** By the way, what is agreed, that we study the cost implications of it or just that we go ahead and do it? —(Interjection)— Yes, the original First Reading Bill that you get when it is first distributed and then after Committee Stage . . .

**MR. D. SCOTT:** Third Reading or at the end?

**MR. A. ANSTETT:** We only do Report Stage and Third Reading if there have been substantive enough amendments that members want a Third Reading or Report Stage Bill.

**MR. R. TALLIN:** Presumably, we wouldn't do it if there were no amendments or if the amendments were merely typographical.

**HON. R. PENNER:** And then you'd do it in that limited run?

**MR. R. TALLIN:** Yes.

**MR. A. ANSTETT:** It could probably be done on a request basis. At Committee Stage members could ask, because of the nature of the amendments, that a Third Reading Bill be prepared.

**MR. R. TALLIN:** Sure.

**MR. CHAIRMAN:** If that is agreed, may we move to Item No. 3.

### NO. 3 - SECONDING OF MOTIONS

**MR. CHAIRMAN:** Mr. Mackintosh do you have anything to add to what is typed out on the sheet.

**MR. G. MACKINTOSH:** This matter of discussion is proposed to the Committee in response to a sensing of a general concern of members that we streamline procedure in the House as best we can. There are some things that are done in the House that perhaps may not be necessary and, as I say here, may be more of a nuisance than a necessity.

The matter of Seconding of Motions has been discussed with me by some members and it has been a topic of conversation I know amongst the Association of Clerks at the Table in Canada for some time and there seems to be a movement away from the Seconding of Motions throughout the Commonwealth. I simply offer it to the Committee for their consideration and I'll leave it at that.

**MR. CHAIRMAN:** Mr. Sherman.

**MR. L. SHERMAN:** Mr. Chairman, with respect, I would want to suggest that we move very slowly and carefully before eliminating the Seconding of Motions. I certainly agree with what Mr. Mackintosh has said with respect to the desirability of streamlining the procedures of the House, and I don't think there's any one of us in the Chamber, and I am sure there is nobody in the Legislative Press Gallery who wouldn't say that some streamlining of the procedures and processes of the House would be desirable and I think some could be achieved in certain areas. I'm not sure that eliminating the Seconding of Motions would necessarily provide any significant contribution to that desired objective.

Further to that, I would have to see better arguments than those that are presented here in Paragraph 3 of the supporting notes before I would be very enthusiastic about eliminating the Seconding of Motions. I think that there is a valid reason for retaining a defense mechanism against potentially frivolous motions. There are situations in the House relating to specific individuals and it may well include some of us around this table or it may not, but it certainly includes individuals in the House whom we have all known on

both sides of the House who aren't necessarily as committed perhaps to the directions of their respective parties as they are to their own individual concerns. That potential always exists in a democratic assembly and it always should exist; that's part of freedom. But it also, by being there, by existing, it preserves the possibility and the potential of motions that are not of particular significance or importance to the overall affairs of the day and it could possibly be classified as "frivolous." I think that the necessity of having a Seconder on Motions is a very desirable defense mechanism or protection against that and I really don't see that simply eliminating the reference to a Seconder would, with respect again, do very much in terms of significantly speeding up the procedures of the House. If somebody wanted to recommend that Mr. Penner's speeches and perhaps even mine be limited to 30 minutes instead of 40 that would certainly speed up the processes and procedures of the House. — (Interjection) — Perhaps, Mr. Penner's to 29 and mine to 30.

**HON. R. PENNER:** Reflecting the disparity in our age no doubt.

**MR. L. SHERMAN:** No, but it's the reverse on the I.Q., Mr. Penner.

Just eliminating the reference to a Seconder I don't think would do very much and I do believe that there is some desirability of protecting the House against individual and, shall I say, personally partisan positions on subjects that may not have much bearing on the general concerns of the overall Assembly. So I would suggest that we go very slowly on any such suggestion as this one for eliminating the Seconding of Motions. I'd also like to know what the experience has been in other Assemblies that have eliminated that procedure.

**MR. CHAIRMAN:** Mr. Mackintosh can you answer the last question?

**MR. G. MACKINTOSH:** Yes, I've discussed this with the Clerks that have abolished the Seconding and they said that there has been no problem whatsoever. That is all the information I have. I might also add that Ontario, for instance, has abolished Seconding for Second Readings and Third Readings. It maintains it for other substantive Motions — this is the introduction of Resolutions and First Readings.

**MR. CHAIRMAN:** Mr. Santos.

**MR. C. SANTOS:** Mr. Chairman, I think if other jurisdictions have done it and they found that there is no disadvantage at all I see no reason why we cannot also do it. Sometimes we get so imprisoned by formalities without any substantive rationale behind it simply because it has been done in the past. It's time now for us to get out of the shackles of formalities and do the substantive work of the House.

**MR. CHAIRMAN:** Mr. Fox.

**MR. P. FOX:** Mr. Chairman, I have no real hard feelings on this. I do believe Mr. Sherman did indicate

some very valid reasons why we should go cautiously.

Secondly, I'd like to say that the parliamentary system as such is teamwork. It's not individuality, although it allows a lot of freedom and which rightly it should and so therefore I think that it really won't speed up anything in the House to eliminate it. It's only a matter of an expression and getting an agreement, whoever wants to present something. If you can't get it, then I don't think it's worthwhile having and that's the issue that Mr. Sherman indicated.

**MR. CHAIRMAN:** Mr. Scott.

**MR. D. SCOTT:** Thank you, Mr. Chairman. I think the Seconding of Motions right across the board basically is a relevant exercise. I think there is a reason for it and one of those reasons basically is that the House is its own master and should be able to determine to some extent what matters before it are going to be considered. The Seconding of Motions is one of those mechanisms with which the House deals with Resolutions, be they of substance or of a frivolous nature. If a person gets up on his own little bailiwick, if I was to rise on some matter which the House had no interest, which was a purely singular interest of my own, and I could not find a Seconder, then I think I'd be wasting the House's time for me to ramble on, for however many minutes that we are presently allowing, to bring forward a position which had no chance of going anywhere and which is just basically a vehicle for me to stand and grandstand. If I wish to do that I would suggest that a person perhaps use his privilege in the House of standing on a Matter of Grievance and that vehicle is available for members of both sides of the House.

**MR. CHAIRMAN:** Anyone else wishing to speak to this matter? Mr. Penner.

**HON. R. PENNER:** I'm inclined to think that we should leave it for the time being. If a member has something that is not frivolous in vexation and is of substance then I think, as far as I've been informed, that member is always able to obtain a Seconder who is willing to let it go forth for purposes of debate and that no one has really said, to my knowledge, that they have been stifled by or prevented by this Rule from raising a matter of concern in the Legislature. It has just been pointed out there's always the method or the avenue of the Grievance to raise an issue if it can't be raised by way of Motion.

I would agree with Mr. Sherman, let's just leave it for the time being and let's find a little more of the accumulated experience of those Assemblies where the Rule has been changed and we could have another look at it.

I wish to conclude with this thought. There is, in looking at legislation and this has been suggested from time to time even in this last Sitting of the House, a mischief rule; that is, you're often asked the question. I know Mr. Graham made this point a couple of times. If there's no one raising a complaint, if there's no problem why are you doing it? Are you doing it just for the sake of doing it, or is there some genuine concern in making the change or introducing the amendment to a Statute or introducing a new Statute?

It has to address some kind of real need rather than just a presumed need. —(Interjection)— No, spoken like a Conservative.

**MR. CHAIRMAN:** To the same point, No. 3, Mr. Mackintosh.

**MR. G. MACKINTOSH:** I might just want to defend the inclusion of this topic. I, as well, am very aware that we should not be raising matters that are not a problem. However, I see every hour on the hour in the House that the Seconding of Motions is a nuisance to people. Often people become Seconders without knowing it. I know, for instance, the Adjournment Motions, there is often a frantic run to find a Seconder, look around, or the lack of a Seconder and I think it is a little sloppy, so I think there is a bit of a problem there.

I concur though with Mr. Sherman, I don't think that doing away with the Seconding of Motions is going to eliminate any problems in facilitating legislation or the study of Estimates, but it is just a nuisance perhaps and we'll leave it at that.

**MR. CHAIRMAN:** If there is no consensus on this matter, is it the will of the Committee to defer it until such time as it is felt a little more urgent? Agreed? Agreed and so ordered.

No. 4 - Mr. Mackintosh, anything to add?

#### NO. 4 - APPEAL OF SPEAKER'S RULING

**MR. G. MACKINTOSH:** I might add that here there is no problem. The matter is put forward in a philosophical tone in that the Appeal of Speaker's Rulings is a diminution of the Speaker's authority in one sense and, as well, there is an appearance that it politicizes the Chair. It has been a matter of debate across the Commonwealth and several jurisdictions have taken very quick action to do away with it once the issue was brought up.

It was a matter of conversation at the last Regional Council Meeting of the Commonwealth Parliamentary Association in Ottawa. I put it forward for your study and consideration.

**MR. CHAIRMAN:** Mr. Anstett.

**MR. A. ANSTETT:** Mr. Chairman, I have studied this question myself at some length in the past and the whole question of Speaker's Rulings, the Appeal of Speaker's Rulings, the nature of Speaker's Rulings, as precedents have been something that has troubled me for a long time.

I recall having a discussion with Mr. Graham some time ago about the nature of Speaker's Rulings as precedents and I acknowledge what I think is the crucial point here. I would disagree that the Chair is in any way politicized by a ruling being sustained by the Government majority, regardless of who is in Government, but I would agree that we reach a situation where, because of the necessity for the Chair to be sustained, we sometimes, by having a ruling sustained on appeal, emphasize the importance or significance of the ruling and make it therefore a precedent that we then look to, because we give it some importance by having divided the House on it.

I am more concerned about the question of Speaker's Rulings becoming precedents on which there is no further discussion. I think there may well be merit in looking at this whole question from the perspective of how we deal with precedents that are established in the House. One of the easiest ways we have dealt with them in the past is to say, well, maybe Speaker Forbes, Harrison or Fox made a ruling 10 or 20 years ago, but that is irrelevant today, we are not bound by it because since then the Rules upon which that particular decision was based have since been changed by the House. We have managed to avoid some problems that way.

I am more concerned that we deal with the question of how we establish precedents, than specifically the question of appeal. Now maybe the way around the problem, in terms of what sometimes becomes a bit of a rancorous debate in the House and leaves a bad taste because the sustaining of Rulings by the Government majority in a vote, is to eliminate it. I don't quarrel with that as one possibility, but I would much rather see all rulings be referred to the Committee for discussion afterwards, so that if there were any rulings about which members wanted to have a discussion in terms of how the Rules are interpreted or whether or not we want to change our book of Forms and Proceedings, that that's available to us.

I don't think the Speaker's authority is in any way diminished; in fact, if anything, it is enhanced when he is constantly being reinforced by the majority of the Government party which places the Speaker in the Chair. If anything that doesn't help his authority. I don't think it is either enhanced or diminished; I think it just creates certain friction over the Rules amongst members and doesn't necessarily enhance the overall consistency with which we are trying to deal with the Rules.

I like to think that members on both sides approach the Rules from a non-partisan perspective in terms of making the House work and some way of dealing with that, which may include wiping out appeals, I think that is something we should consider.

I approach it from that perspective, not solely from the question of whether or not Speaker's Rulings should be appealed, but the larger question of how we deal with Speaker's Rulings in terms of them being precedents, in terms of qualifying them, in terms of being able to, at some point, examine the Rules in the context of those Rulings.

**MR. CHAIRMAN:** Mr. Penner.

**HON. R. PENNER:** I think Mr. Anstett has a good point involving the status of Speaker's Rulings as precedents. It is true that at the time when a Speaker's Ruling is challenged, or it is usually the case that when a Speaker's Ruling is challenged is a time of some considerable rancour in the House and that it is more likely than not that the decision that will be made by the House, on appeal, is not a well-considered decision, it is not a reflected-upon decision. It is apt to be partisan because tempers have been raised at the time. But to resolve that question simply by saying the Speaker's Ruling will be accepted without any forum for considering the effect of that Ruling raises other problems.

What I would perhaps like to see us discuss here, and I am not as familiar as others around this table are with the history and effect of these things, is this possibility. Rulings, in effect, becoming precedent are like questions of law, sometimes they are really questions of fact and we need not be terribly concerned about decisions that are made that are just an interpretation of what was said or what was not said and that type of thing, but where the Speaker, in effect, is saying, my interpretation of Beauchesne and tradition and practice is as follows - and some of us in the House, from either side, it doesn't matter, may be uncomfortable with that or may not agree that is a correct interpretation. It should be possible, rather than raise it during the course of the debate which, as I said, may be rancorous and you don't really get some thinking about it, to refer it to a Committee like this, rather than challenge it, and say, well, I give notice that I would like that question discussed at some further date by the Committee on Rules; and the Committee on Rules will make a decision as to whether or not - in effect we'd become an appellant court - make a decision as to whether or not it becomes a precedent, whether the interpretation of the Speaker is to be accepted as a precedent for all time to come. Maybe we need some mechanism of that kind.

**MR. CHAIRMAN:** Mr. Ransom.

**MR. B. RANSOM:** Mr. Chairman, I certainly would not want to see the appeal eliminated. I think it is a very useful mechanism to have that in place and I believe it was only used, if I recall correctly, perhaps three times during the most recent Session of the Legislature. It allows for a cooling off period, if you will, at a point when a situation can be in danger of deteriorating further. If, as the material that's distributed here says, the appeal has been eliminated in the House of Commons, perhaps that is what lead to the display of people being on the floor of the House in front of the Speaker. If there is an opportunity to appeal, the challenge is made, the vote is called and people walk out of the House as a rule and have the chance to reconsider.

I certainly can't agree at all with the quotation from B.C.'s legislative procedure, the Commissioner's Report, which says, "the seldom resisted temptation to use the Chair for scoring of political points." That certainly does not apply in our Legislature. I say that the challenge of the Speaker, I believe, was only made three times during the last Session of the Legislature. I think it's a very useful mechanism.

I also agree with the concern that's been expressed by Mr. Anstett and Mr. Penner that there should be some additional mechanism put in place to deal with whether or not a Ruling is to be established as a precedent.

**MR. CHAIRMAN:** Mr. Mackintosh.

**MR. G. MACKINTOSH:** With regard to the concern about a mechanism to review Rulings of the House, that mechanism exists today by way of substantive Motion. I'm not familiar with one happening here in this Chamber, however, I know that at least in the last year it has been fairly common in a number of jurisdic-

tions. I think here of Ontario, for instance, the Speaker made a ruling on a point of order and a substantive Motion was proposed and given unanimous consent by a Member of the Opposition and dealt with and debated in the House, but that mechanism exists today. Substantive Motion, either by a private member, which would go to Private Members' Hour, or receiving unanimous consent which, in all likelihood, would be granted since there would be some urgency to debate the matter.

**MR. CHAIRMAN:** Mr. Anstett.

**MR. A. ANSTETT:** Mr. Chairman, with respect, to Mr. Mackintosh. I do not believe the mechanism of a substantive Motion would in any way address the concern that Mr. Ransom and Mr. Penner share with me. I believe the substantive Motion, in effect, allows the House to then debate the Speaker's Ruling, because that's in effect what would happen, and does happen in those jurisdictions where that's done. You then have a debate on the Ruling, on the merits of whether or not it's a precedent. You end up having a debate on whether or not the Ruling was considered by some to be correct.

At the moment of the Speaker's Ruling the House knows it's bound by that Ruling; it doesn't reflect on it, and it shouldn't, because at that point a decision is made and has to be made in terms of how the House will proceed.

The only time to discuss that in any way is after a suitable cooling off period and usually after the Session has ended. I think this Committee is the place to do that. To do it in the House, even if it's referred to Private Members' Hour and discussed later on that day or a couple of days later, just rehashes the whole issue on which the House divided in the first instance.

**MR. CHAIRMAN:** Mr. Fox.

**MR. P. FOX:** Mr. Chairman, I'm of the opinion that eliminating appeals on the Speaker's Ruling is a good thing. I do believe that it places a greater onus on the Speaker and it will make him more aware of having to make impartial decisions because he will not have the backing of the majority as is the present case.

Further to that, I like the thought of having a review of the Rulings to see whether any of them need to be reviewed in respect to the parameters within which they were made, because I think that's what we're not doing often enough. We're working at changing the Rules to make them more flexible and more workable, but I think we're doing it piecemeal, just like we are today, and I think what we really have to do is look at the whole set of Rules to see whether we can't review them and make them more up-to-date in the light of the kind of working system we wish to have in our Parliament. I would suggest that probably we should look at the whole instead of just at the parts and that would get us away from appeals to the Chair anyway in the long run.

**MR. CHAIRMAN:** Mr. Mackintosh.

**MR. G. MACKINTOSH:** With regard to the substantive Motion mechanism, the substantive Motion simply

to refer the Speaker's Ruling of, say, December 10th to the Standing Committee on the Rules of the House was, I thought, perhaps a response. It depends on the wording of your substantive Motion, but certainly a substantive Motion can address any matter or pursue any desire.

**MR. CHAIRMAN:** Mr. Santos.

**MR. C. SANTOS:** Thank you, Mr. Chairman. I think the function of the Speaker as a position of neutrality in the House, it is imperative there is no substitute for the Ruling being right and correct. That is the important thing. Therefore, if an appeal is made to the House and the Ruling is sustained, it means that his authority is in fact bolstered because he had the support of the House. So I don't think that being right can be decided by abolishing the very test of support. After all it is the privilege of the whole House to maintain order and decorum in the House and the Speaker is simply the personification of the House, so I don't see any rationale at all how we can find out whether the Ruling is right or not if the appeal itself would be abolished.

**MR. CHAIRMAN:** Mr. Graham.

**MR. H. GRAHAM:** Mr. Chairman, I think that we sit here and we tend to view the existing situation in this House as being the only thing that we're considering. There are other circumstances that occur from time to time where the makeup of a House is considerably different than it is today. I refer to two of fairly recent vintage; one in Ontario and one in New Brunswick, where the Speaker was probably trying to wend his way through a bunch of broken eggs right from Day One.

I would not want to see the appeal of any Speaker's Ruling changed in any way at all. If the only avenue left is a substantive Motion, then the nature of the wording of that substantive Motion may be one that would surprise a lot of us and I would not want to see that being the only means of appealing a Speaker's Ruling.

I think the present situation is one where you have two choices and if the nature of the grievance is severe enough, then you will see a substantive Motion, but I think this appeal is a very good safety mechanism.

The second point, and I think it's one that I have a great deal of empathy with, and that's the point raised by Mr. Anstett regarding the review of Speaker's Rulings. I think it's a very good thing that there should be a review of Speaker's Rulings and I would think it probably should be the first item of business on any meeting of the Rules of the House. If we haven't been doing it maybe we should be doing it from now on because the Speaker's Rulings do become part of the Rules of the Assembly and we do review the Rules of the Assembly annually by this very Committee and if we haven't been reviewing those, perhaps we should be. I think it would be a very valuable experience and it would be very useful to the Speaker. I think any Speaker would relish that type of review because it would provide him with the thinking and the assistance of the House in any future dealings that may arise in the House. I'm speaking from my own per-

sonal experience that, on one occasion, I recall where three or four days later I rose and appealed to the House for permission to change a Ruling that I had previously made because I knew, in thinking later, that it was in error. If there is an automatic review through the Rules Committee it may save the Speaker the embarrassment of having to do it all on his own.

**MR. CHAIRMAN:** Is there anyone else wishing to speak to this point? Since there appears to be no consensus on the matter, would it be the will of the Committee to put this over for further discussion?

Mr. Scott.

**MR. D. SCOTT:** I don't think I would want to challenge the Chair's recognition of basic agreement among the members of the Committee but I think there is, or at least I've heard several people from both parties indicating that there is a role for perhaps this Rules Committee to meet afterwards, or some function of the Legislature to meet afterwards, to decide whether or not a precedent can be established by a Speaker's Ruling, if it is upheld or whatever. Is that not correct or am I going too far?

**MR. H. GRAHAM:** Right now a Speaker's Ruling does become part of the Rules of the Assembly.

**MR. D. SCOTT:** Right. Mr. Anstett had made the suggestion and a couple of other people had commented favourably on the suggestion, I believe, that maybe we should have a vehicle so that we could address those Rulings to see if we actually wanted them to become part of the future Rules of the House which govern the House.

**MR. H. GRAHAM:** This is what we're doing.

**MR. D. SCOTT:** Okay, but we were just going to set this aside and basically let it die, I think is what would actually happen to it. What I'm saying is I don't want to let it die, I want to have something come out of the discussion that we've had and I think if we just set it aside until some future time it's going to die. I guess maybe I could make it in the form of a Motion to move that this be brought back at a later date and given with a paper presenting alternatives to the establishment of a vehicle to be at the Rules Committee, or some other new vehicle, to rule on whether or not a Speaker's Ruling shall become a Rule of the House. It's rather rambling.

**MR. CHAIRMAN:** I'm not sure whether you're proposing anything new there, Mr. Scott. What you're saying is what we in fact do, except that the matter be brought back and that is one way that this Committee works, in that if it cannot reach a consensus on a particular issue it defers it and gives the members the opportunity to discuss it. If they want it brought back for the next one they make it known and it is, and if there can be no consensus the matter is not proceeded with.

**MR. D. SCOTT:** The only thing that I'm worried about is I don't want to see it just disappear and not come back. I think it should come back at a future time and if need be I'll suggest that it be brought back on the

agenda at a future date. I think the discussion we've had this morning has been very worthwhile with this potential revision of our existing Rules to have this Committee establish whether or not, or some other vehicle of the House, establish whether or not a Speaker's Ruling is to become a Rule of the House. I think that's a very valid thing because sometimes, as we've just been discussing throughout the whole matter, is it just a governing party who is backing up the Speaker on a Ruling that could be favourable to them, or whatever, that we want to see whether or not we want to establish precedents. I guess I'll just let it drop and I'll bring it back if nobody else does.

**MR. CHAIRMAN:** Mr. Anstett.

**MR. A. ANSTETT:** Mr. Chairman, I agree with you that there does not appear to be a consensus on the abolition or retention of the Appeal of Rulings. However, as Mr. Scott suggests, there does appear to be a willingness for us to review the question of the establishment of precedents and perhaps what we should decide to do is to have a subsequent meeting expressly for that purpose.

I'm not about to suggest that we begin - I'm not sure how far back the previous Clerk's Book of Rulings goes, Mr. Fox, Mr. Graham and yourself might know how far - 1958? I'm not sure that we want to start back at '58. Maybe we should start with the last session but I think we should sit down as a group and go over each of the Rulings and start working back to determine if there are those that we do not wish to establish as precedents for the House. They may have solved a particular situation at that particular time, whether they were appealed or not, whether they were sustained by the majority in the House or not is not particularly relevant but there may be some that this Committee wishes to recommend to the House in its report to the House that it does not wish to consider as precedents to be binding for future decisions or to be used as guidance by the House for future decisions. I detect that there's a willingness here to do that kind of work on previous Speaker's Rulings.

It may be that, in the longer term, what is the desire of some to eliminate Appeal of Rulings may be possible if we find that we're not tying ourselves up into precedents. Then the need for appeal, the opportunity for review is there, the need for appeal might be less urgent at that time if we can make this other mechanism, this review, work, with the one qualification that Mr. Ransom raised, the question of the appeal and the ringing of the bells representing a cooling off period. I think that's a very valid point and I don't know how we'll ever get around that if we abolish appeal but certainly the question of decisions being made under pressure in the House allows no opportunity for review and I think I sense an agreement that we should be doing that review, so I would suggest that, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Graham.

**MR. H. GRAHAM:** That was the exact point. I wanted to make the differentiation between the appeal and the review.

**MR. CHAIRMAN:** Mr. Ransom.

**MR. B. RANSOM:** Has Mr. Scott's Motion been withdrawn?

**MR. CHAIRMAN:** I didn't accept it.  
Mr. Fox.

**MR. P. FOX:** Mr. Chairman, we operate by custom, usage, tradition and by previous Rulings and I concur that it would be a real yeoman's job to try and get back to all the Rulings from when they were recorded. I'm sure that someone that had some time and interest could go through and see those that have been accepted, more or less, over a period of time and those that are left in isolation. I think those are the ones that we would like to have a look at to see whether they really had substance or not. So if we could get that, and I think there's a consensus that we want to review the Rulings in respect to precedent, then our job would be that much less if we could look at the ones that just stand alone and may have been challenged or otherwise, and have a review of that. I don't think there's a rush on this. I think we could possibly just make a note that we desire this and in six months time or so we could have a look at them, if they are available by then.

**MR. CHAIRMAN:** Anyone else? Mr. Santos

**MR. C. SANTOS:** Mr. Chairman, even the House of Lords in 1966 declared that it is not itself bound by its own Ruling. While there may be some merits to consistency and stability in our Procedural Rules, certainly the Rules are coexistent with certain segments of time and as time changes people's perception and values change. It is up to the Speaker, I think, in his discretion, whether or not to follow certain past decisions that have outlived their usefulness.

**MR. CHAIRMAN:** Mr. Mackintosh.

**MR. G. MACKINTOSH:** It has been my observation and it has been the practice of the House that Speaker's Rulings serve as guidance for later Rulings and, to my mind, the word "guidance" is a little bit looser. It is similar to a judge considering the arguments of competing lawyers. A lawyer will cite certain cases to support his stand; a lawyer will cite other cases and there will be a different interpretation of a method to solve the problem. No two Rulings can ever be the same, circumstances will always differ and I know that there are many Rulings in those thick books which are simply ignored.

So I would concur with Mr. Fox that there is no pressing urgency that a bad Ruling, or a Ruling made on a misrepresentation, has in the past been ignored and that demands for a Ruling in the future will not be predicated on the same factual situation perhaps as that bad Ruling anyway.

**MR. CHAIRMAN:** Is it the will and pleasure of the Committee then to defer this matter for further consideration by members, for consideration at a future date if they so wish and that Mr. Scott brings it forward?

Mr. Sherman.

**MR. L. SHERMAN:** That's for further consideration, period. That doesn't include the review that was being discussed, the Review of Speaker's Rulings, is that correct? We are deferring this subject for further consideration? —(Interjection)— Yes, the question of appeal. In the meantime we're not undertaking any review of Speaker's Rulings to arm the Committee with that information for the next meeting.

**MR. CHAIRMAN:** That's not the intent as I hear it, unless that's wanted by members.

**MR. L. SHERMAN:** No, I would hope it isn't the intent at this point in time, until we reach a consensus that should be done, but I just wanted clarification on that as to whether that had been accepted as a procedure or not.

**MR. CHAIRMAN:** If any member attempts that on his own I would just remind him that many of those Rulings have been made within the context of the Rules in operation at that time, also in comparison with Beauchesne, whatever edition was current at that time, and there have been changes since then.

#### **NO. 5 - HANSARD INTERJECTION POLICY**

**MR. CHAIRMAN:** No. 5. This is one where the last interjection policy was put together by this Committee at the time of the public address system in effect in the Chamber at that time, it has since then changed.

Mr. Mackintosh have you anything to add to what's here?

**MR. G. MACKINTOSH:** I think Item No. 5 speaks for itself. I just simply maintain that I think it's time for the House or the Committee to re-examine its policy. Things seem to have changed over the years without the involved direction of the House or the Rules Committee.

I just add that the previous guidance of the Rules Committee in 1973 that all remarks made during the course of a debate are recorded causes significant problems for the administration of Hansard in that there are always interjections almost constantly. I think we need some guidance; we need to have some flow of record in Hansard; we have to have some median approach.

**MR. CHAIRMAN:** Mr. Scott.

**MR. D. SCOTT:** Thank you, Mr. Chairman. This is certainly an item that causes me a great amount of concern, because when you pick up Hansard, Hansard itself gives virtually no reflection whatsoever of the debate that took place at the time, or the speeches that were being made at the time, because of the lack of interjections put in.

The House of Commons, if you read Hansard from the House of Commons, they identify the individuals who have made it. They have got 285 people, I believe, sitting in the House of Commons. Their Hansard reporters, both in the House and the people on the tapes, can recognize the voices and know who the

people are. Why we can't do it with 57 certainly doesn't reflect very well. I guess, upon our own Hansard staff that they are not able to do it, whereas another body can do it with roughly three times the number of individuals who are speaking.

To speak of Hansard and to maintain a flow of Hansard, I don't know how you can try and write something up after the fact, after it has been spoken, to try and create a flow that was not there in the first instance. With the present policy of having interjections in Hansard only if the speaker having the floor answers to or makes a remark to the interjection, that the interjection should then be put in as a separate entry. What that does is that forces the individual who is speaking to break the flow of his speech, to revert from the intent of his presentation to the House to respond to interjections in the House. I think what you do is you try to force the members who are speaking to get into debate with people who are making interjections and I think it's dead wrong to continue along a policy of encouraging people to get into frivolous debates in the House through interjections. It would be much better if the interjections were printed in Hansard as they appeared.

I would suggest that any interjection whatsoever is to be recorded wherever it is audible and wherever possible that it should be identified and the recorder, both in the House and in Committee as well, can certainly identify the people, if they were on their toes, who is making interjections.

We've had some pretty classic interjections this past Session of the Legislature, which should have been recorded, and I think if they are recorded it will do and serve as a vehicle, I suppose, to speed up the improvement of the decorum in the House which sometimes I think all of us have been embarrassed at the decorum of our Legislature. If we are going to continue letting people, if you wish, get away with making rancorous remarks or any other kind of acid remarks on the floor and not be picked up and not be labelled for them, then we are asking for a continuation of a decline in the decorum of the House and I do not think that is our reason.

So I guess, in summary, I think that we should be trying to make all audible comments recorded; that the recorders, both in the House and in Committee, should have the responsibility of identifying people as the interjectees. We have these mikes set up along here for interjections but seldom do you see any record of them in Hansard and it's similar in the House. I think in the long run, in the long term, you'll see an improvement in the decorum of the House; plus those individuals who are interested in following the proceedings of the House can get some idea as to why a person who is speaking is all of a sudden changing the direction of his speech or his speech is not flowing very smoothly; is that the responsibility of the individual making the speech or is that the responsibility of the decorum of the House at the time the speech was made. So I think we've got a long way to go to clean up, not only our decorum but also the reporting of the House.

. Thank you.

**MR. CHAIRMAN:** Mr. Graham.

**MR. H. GRAHAM:** Mr. Chairman, I don't know if we realize that when we're talking about Hansard and interjections that we are in fact indirectly criticizing some of our staff. I know something about the operation of the machinery in the Legislature and the operation of the console, or the board at the back where all the recording is done, and we have had some excellent people operating that machine in the past and it has been recorded duly in Hansard.

I want to, at this time, pay tribute to a man who has recorded in this Legislature for long before I was ever a member, and he's sitting at the console today, Mr. Ray Sly, and I think that Ray did a job that no other operator can ever expect to duplicate. So when we're talking about interjections I just want to make that little point that a lot of it depends on the operator of the console because our microphone system is such in the Chamber that only one voice can be recorded and it's the operator that has to switch, do some very rapid work on those switches, to pick up a lot of the interjections.

**MR. CHAIRMAN:** Mr. Anstett.

**MR. A. ANSTETT:** Mr. Chairman, a couple of points. First, from the paper. In 1972 there was an effort to pick up all audible, intelligible comments. The Rules Committee asked that all remarks and interjections be picked up even if the name was not known; just show "An Honourable Member."

Changes were made in the sound system in the late '70s and now we have a policy that says, "Only if the speaker replies to it." That policy, as I understand it, was never okayed by the Rules Committee and the only firm direction received was the one from February of 1973. The difficulty I have with that policy is that, contrary to Mr. Graham's assertion, I do not believe that we have difficulty picking up the remarks. In fact, if anything, I think the Hansard system, because of the changes that have been made and the sophistication of the system, is such that all remarks are picked up, in fact, on the interjection track they get far more than what they need. Part of the problem is that they have virtually everything that's said in the House now. In fact, at some points I understand if they switch to the interjection track they can monitor the personal conversations of others that are taking place in the front benches close to those interjection mikes. So there is a new system with a great deal of sophistication which would allow us to pick up a lot more interjections than we have been and would certainly allow us to adhere fairly closely to the 1973 Rule, and that hasn't been done; that hasn't been done by direction because of what it would do to Hansard.

The problem that I see that we face is a question of how much in the way of those interjections do we print, rather than a question of whether or not we can get them. I think they're all there; they're all in the system. We've got a four-track system that picks up virtually everything and the Hansard staff are eminently capable of doing it. I think this was Mr. Scott's point, as well as Mr. Graham's, that it's not a criticism of Hansard that it hasn't been put in; that's the direction under which they've been following. It's also a question of how much time are we prepared to wait for Hansard if they have to pick up all that and keep

switching back and forth from one track to another.

However, if we stick with the policy that's proposed here, that the interjection only be shown if the member replies to it, several minutes later in the member's speech he might make a reply or it might be an indirect reply. So if it appears to be in any way relevant to the member speaking or to the debate which is being held in the House at that time, I think the interjection should go in. The member might choose to reply immediately when the remark deals with his parentage or the size of his mother's army boots; on the other hand, he may wait for five minutes to reply if the debate or the interjection deals with a particular point in debate which he was going to come to later, at which point he may make reference to the fact that Mr. Sherman suggested a few minutes ago, or a member on the other side suggested a few minutes ago, that such and such was the case and come back to that point a little later; that interjection will never be recorded. So there's a need for a firmer policy but to say that it will only be if the interjection produces a reply by the speaker will limit the number of interjections.

The other point is that there are a lot of interjections which historically have been very significant ones which have shown up in Hansard which, if we stick with a very strict policy as enunciated in the third last paragraph - the "only if" policy, would never have shown up in Hansard and yet they've been significant, referred to many times by others in debate but they only got into Hansard because Hansard staff picked it up, not because it was directly replied to by other members. So I think the policy that's proposed here is a little too restrictive.

Additionally, the concern that some members have that at times the decorum in the House is poor because of the number of interjections might well be addressed if Hansard were printing more of those interjections. Members might be a little more cautious about the remarks they're prepared to make by way of interjection if they knew that remark was going to appear in Hansard with their name beside it if Hansard personnel could pick up the name of the speaker. Well, those remarks that are potentially embarrassing certainly would be more restricted.

I basically agree with the analysis here. I agree that Hansard has the ability to pick it up; I would like to see the interjection policy be a little wider in scope than what is proposed here.

**MR. CHAIRMAN:** Mr. Scott.

**MR. D. SCOTT:** I just wanted to readdress a point that Mr. Anstett brought up that my criticism was not of the staff but of the orders which they've been given to follow on the thing. I think the staff is perfectly able to pick up from the tapes, as a matter of fact they probably have trouble trying to listen to the person who is speaking because of the number of interjections in some instances. So it's not a question of the staff being unable to identify people so much as it is the policy which they have been given to follow, which says that they are not to do it unless the person who is speaking actually interrupts his flow of speech in response to the interjection.

**MR. CHAIRMAN:** Mr. Sherman.

**MR. L. SHERMAN:** Well, Mr. Chairman, while Mr. Scott was speaking I was tempted to make an interjection but I didn't know whether it would be picked up or not, so I'll hold it for now.

You know, some of the best speeches in the House have been made via the interjection form. On balance I agree with Mr. Scott's initial position with respect to the desirability of getting as many interjections recorded, that is, recorded in Hansard, as is practical.

I see one very grave danger about a policy that says that only those interjections which illicit a response or some verbal attention from the Speaker shall be recorded. Oftentimes people in the flight of speech-making tend to say things that are not entirely accurate and make references to something that somebody on the other side of the House has said or indicated in a prior speech or in a prior position that are not entirely accurate, certainly do not reflect what the original speaker intended. That original speaker in that case often interjects in the way of attempting to correct the record. The person who is speaking at that time frequently ignores the attempt on the part of the other person to straighten out the record and proceeds with his or her contribution. That contribution then is recorded for all time in Hansard, and in the case of some members, depending on what particular relevance it has to a particular issue in their constituency, is often rather widely distributed by mail or otherwise to constituents or members of particular community interest groups and can contain misrepresentations of what somebody else has said, or attempted to say, during that debate or some other debate.

Now I know that you can jump up on a Point of Privilege, but you, Sir, know better than many of us around this table that is a very difficult point to make unless you're prepared to move with a substantive Motion on it. Simply on the grounds of the way somebody who is speaking interpreted something that you may have said, does not arm you with the necessary argument to raise a Point of Privilege. The only way available to correct some of those misimpressions is through interjections. That doesn't make for the best kind of debate, but I cite that as a point that should be kept in mind.

If we go to something quite as Draconian as the suggestion that only those interjections that illicit a response from the speaker will be recorded, I think that we are depriving Members of the House of some of their rights and I would like to see the interjection policy practiced as widely as possible insofar as the recorded debates are concerned.

I recognize there's a difficulty now with the two-track systems and the highly sophisticated system. There's probably a surfeit of interjections descending upon the Hansard reporters' and recorders' ears, but the policy of recording them should be applied and practiced as widely as possible in order to protect the rights of the individual Members of the House.

**MR. CHAIRMAN:** Mr. Ransom.

**MR. B. RANSOM:** Well, Mr. Chairman, I'm afraid I have to disagree almost totally with my colleague and

others that feel there should be the most wide recording of statements. I think that there should be no interjections recorded by Hansard. People speak in the House when they're recognized by the Speaker of the House. They are to speak from their seats. In my view Hansard should do no more than perhaps indicate by the word "interjection" in brackets that there has been some sort of interruption of the debate. Otherwise, Hansard people become those who recognize the person who is speaking and a person may make an interjection from any seat in the House. They cannot address the House from any seat in the Chamber, but Hansard could acknowledge in fact that they could address the House in that way. If people are going to have their interjections recorded, they'll be interrupting the person who is recognized by the Speaker of the House, because they know that they will be able to get their interjection printed in the record at the time. I would not like to see that sort of thing happen.

I believe that during my period in the House it's always been acknowledged that comments made from the seat or from some other seat are not considered part of the official record. It was recognized as such in one of the last days of the Session when the Deputy Speaker was in the Chair and a remark was made from the seat, it was asked to be withdrawn and then he acknowledged that it was in fact not part of the record because it was made from the seat by someone not recognized by the Deputy Speaker.

Further, Mr. Chairman, to remarks made by Mr. Scott, I would not like to see us proceed in the way that the Federal Parliament has, where it's my understanding that there is a very extensive editing of the speeches that are made there. Those speeches are not verbatim, are not recorded verbatim in the way that ours are, and so the record becomes somewhat more artificial there than it is in our Chamber.

**MR. CHAIRMAN:** Mr. Santos.

**MR. C. SANTOS:** Thank you, Mr. Chairman. I think we are verging into extremes; either we must restrict this, abolishing all interjections, and then I hear the widest possible inclusion of all interjections. Like any other area of life the better part of wisdom points, I think, to a rule of moderation, the golden mean, the desirable middle position meaning anything that is replied to, or any remark that is relevant to the topic being discussed by the speaker who has the floor is certainly part of the spice of life in the Legislative Chamber and should be included, but certainly other remarks that are inappropriate or are not within the framework of the decorum of the House can be edited out, if they are not all pertinent or relevant to the topic of the speaker who has the floor. Thank you.

**MR. CHAIRMAN:** Mr. Penner.

**HON. R. PENNER:** To cast upon those who are recording the debate the task of deciding what is relevant and what is not relevant, I think, is really to ask first of all that they do too much; and secondly, to put them in the position of making judgments which those who made the remark may not wish to make. I've been listening sometimes with fascination, sometimes not with fascination, to the debate as it has run its course

in around the table here and, as I so often am, I'm somewhat persuaded by what Brian Ransom has to say. It seems to me that if a person has something to say, then the person should utilize the opportunity that the person has to rise in their place and make the speech. This is not to say that persons should not interject. That is part of the flavour of the House. But it seems to me that what perhaps should happen is that if I am speaking and someone across the way says, "Your mother wears tennis shoes," and I think that's important that it should be noted, I can get it recorded very easily, "The Honourable Member for Turtle Mountain says my mother wore tennis shoes. He is wrong, she only wore one tennis shoe, that is all we could afford because we were children of the Depression and oh, what a miserable life I lead," or whatever, you can amplify. You can have fun with it or you can get it recorded. But to ask those who are recording to make some judgment as to whether or not it was replied to or whether or not it was relevant is, I think, too much and unnecessary. Let the speaker deal with the interjection and if it is significant it will be recorded and, if not, it is there for part of the flavour of the House.

I think perhaps that is the via media that we should adopt rather than —(Interjection)— No, I am proposing that no interjections be recorded as such unless the interjectee wants to make note at the time that something has been said which the speaker wants to deal or which the speaker feels should be recorded so that posterity may know that the member opposite has been rude and crude and ill-advised or whatever.

**MR. CHAIRMAN:** Mr. Fox.

**MR. P. FOX:** Mr. Chairman, I am of the opinion we are all here to try and raise the decorum of the House, that is why we are discussing Rules.

I would like to concur with both the Attorney-General and the Member for Turtle Mountain that the only way we will do that is we don't give credit to those who are trying to disrupt the decorum. I think it is as simple as that.

**MR. CHAIRMAN:** Mr. Sherman.

**MR. L. SHERMAN:** Mr. Chairman, I must say that I find that Mr. Penner really defeats his argument when he talks about not placing an onus of responsibility on those in the Hansard Office to determine what is significant or not significant and therefore that nothing should go in unless the speaker responds to it. That is precisely a case of placing the onus on the Hansard Office to determine what is significant and what is not significant.

That Legislative Chamber is a free arena and the moment that we start moving in directions of clamping down on freedom of expression, no matter how difficult, no matter how unpleasant it may be for one or the other of us from time to time, we begin to erode the climate of freedom that permits a very thorough and conscientious examination of the public interest on every issue that comes before the House.

Since time immemorial interjections have been on the Hansard record and many of them have not been particularly unpleasant. I think that there may be

some members of this Committee who are particularly concerned about an atmosphere of interjection that perhaps exists in the Chamber at the present time, but need not always exist in that form, and hasn't always existed in that form. If there has been an acerbic session or two, then that's life in democracy. There are other sessions that have not been as acerbic and as belligerent.

I think that the practice proposed here and the position proposed by Mr. Penner and, with respect, my colleague, Mr. Ransom, operates precisely in the manner in which they suggest they don't want to see it operating. It puts that responsibility for editing and selection really on the shoulders of someone other than the members of the House themselves; whether it's on the shoulders of the Hansard reporters and recorders I suppose is a moot point, but it is on the shoulders of somebody other than on the persons who are in the House themselves. The persons who are in the House themselves are conducting presumably, and I think in most cases, a conscientious thorough investigation of issues of public interest. If that grows unpleasant at times, that is life, that is better than warfare, and it is better than restrictions on free speech.

I think that the evil to be avoided here is an editing function. I don't believe Hansard should be edited in any way. If, as Mr. Ransom suggests, that is what is done in the House of Commons - it certainly was not my understanding but I accept that information - then I think that is a further travesty, and there have been many committed in the last ten years insofar as parliamentary freedom in Ottawa is concerned.

The only reservation I would place on this is the technical capability insofar as the Hansard reporters are concerned of maintaining the flow of formal speechmaking and informal commentary that is now coming at them from such a sophisticated sound system and, obviously, there have to be some minor rules in place in order that they are not deluged by verbiage. But, given those minor parameters, I suggest anything else is an infringement of free speech and an assault on the legislative process.

**MR. CHAIRMAN:** Mr. Scott.

**MR. D. SCOTT:** First, I would like to back up what Mr. Sherman has said. I think that all interjections, where audible and relevant to debate, and where possible to identify the interjectionist as well, they all should be recorded. Otherwise you are saying to the public who cannot be in the Legislative Assembly at the time, in the gallery, can have an understanding of just exactly what was going on in the House at the time.

If a member wants to make some - if I could use the word - asinine remark, then it is his responsibility to stand up for that remark in the future and take the consequences with which his remarks are given in the House.

Mr. Fox, on his part, that printing them would somehow reduce the decorum of the House, I suggest it is exactly the opposite, that the decorum of the House will improve when members are accountable for the words they utter within the Assembly and in Committee was well, I might add.

To suggest, as Mr. Penner has, that it is dependent

on the speaker to interject his flow of speech and respond and quote that individual who made a comment to him, perhaps he has the speaking abilities to be able to interrupt his line of speech and go back to it, pick up his points and not lose any of the context of which he is speaking, and return to his speech as if not interrupted. I suggest very few people can do that and most of the people who are members of the Legislature are not necessarily professional speechmakers, Ministers, lawyers or whatever else and have had a great deal of training in speech so that they can withstand the interjections. I do not want to see or I would not like to see those people without that sort of training have to go through umpteen years of service in the Legislative Assembly before they have the ability that Mr. Penner may have to be able to respond to interjections and not interrupt the flow of his speech.

To suggest that the speaker is to sit down after each Session and go through and edit and determine what goes in Hansard and what goes out of Hansard, I think, is putting an unreasonable responsibility upon the speaker, a person whose time presently, I think, is already quite adequately taken up with duties in the House. To suggest that he has to go through every sitting twice is a bit much and I think the Speaker may somewhat object to that too.

Mr. Ransom's suggestion of the following of the Federal House where there is editing; that is not a part of this conversation or a part of this debate at all that we're involved in at the present time. What we're saying is that the words spoken in the House should be recorded as spoken in the House, not as I wish to see my reply and my speeches indicated in the House. If I have problems with the matter in which Hansard has printed it, then it is my responsibility to get up in the House and make a correction to Hansard if they have recorded something which I have not said, so I don't think we're into any kind of a debate at all of letting the members edit their speeches as to just how fine that their speeches do appear in the House. We've got speaking Rules in the House of people not allowed to read text, they're supposed to be speaking basically off-the-cuff with as few notes as possible. If we go to this other method, where only interjections are those interjections where a person responds, then you're going to get more people going in with written speeches in the House which is against the House Rules as well.

So, I think that to both improve the decorum of the House, to make the members accountable for their own words uttered in the House, be it in a formal presentation when he has the floor or as a person who is either heckling or commenting from the background, I think we have the responsibility to record this for the benefit both to the public and also for the future decorum of the House.

**MR. CHAIRMAN:** Mr. Anstett, to be followed by Mr. Graham, Mr. Penner and Mr. Ransom.

**MR. A. ANSTETT:** Yes, Mr. Chairman. The debate in the House generally proceeds with or without interjections, depending upon the style of the member who is speaking. Some people go into the House - and it changes, even with individual members - either to make a speech or to engage in debate, and when they

choose to engage in debate it's very obvious that they're welcoming interjections, that they're making some points and usually if they're trying to score some hard points, or as Mr. Sherman said earlier, represent in some way more favourable to the point they want to make, the remarks of other members, either opposite or on their own side, they're going to get challenged on that. The debate is going to reach a level of interjection and banter across the floor which, for some debaters, actually ends up being the best part of their speech or all of their speech and some people thrive on that; whereas, others don't welcome it and can make a speech and will make a speech without any heed of interjection, and very quickly, because interjections are ignored, the interjections are kept to a minimum. That depends on style of individuals and some people adhere to one style, some to another, and some are able to mix those styles.

But certainly, for a lot of members in the House, interjections are an important part of their speaking style and they're an important part of debate in the House and it's often the replies to those interjections and the nature of those interjections that defines issues and hones some of the points that are being discussed in the House. It's that kind of information that the press uses. Oftentimes the remarks that seem worthy are the ones that come out of that kind of debate rather than out of scripted speeches. As well, those are the kinds of things that are used later on in references for the public, for constituents, for interest groups. So to suggest that we don't want any of those things at all, I think, is going to stultify debate to the point where it becomes just a formal speech-making society, in which case we might as well do what they do with the congressional record. "Mr. Speaker, I have a 20 minute speech but I have to go and have lunch, so I'd like this put in the record and it can be printed in the congressional record," and we can end up having that kind of debate in our Legislature.

I think of our Legislature as a place for debate where we actually do influence each other on occasion, although with the party system that may not happen as often as it does.

**MR. B. RANSOM:** I am not arguing that.

**MR. A. ANSTETT:** So if we accept the fact . . . if Mr. Ransom suggests he's not arguing that, okay . . .

**HON. R. PENNER:** Nor have I, no one has been arguing that.

**MR. A. ANSTETT:** . . . and Mr. Penner suggests he's not arguing that.

**HON. R. PENNER:** Would you record that interjection?

**MR. A. ANSTETT:** Well, Mr. Speaker, with those two interjections recorded I think it's important then that since we're not arguing the question of whether or not we wish to see real debate take place in the House, then I can't understand anyone saying, that if you're going to have debate you need that exchange back and forth, and if you're going to need that exchange back and forth and have it meaningful, not only for posterity or for your constituents, but for yourself the

next day or a week later or a year later when you want to go back and quote someone, then you need those interjections and you need as many of them as possible, but I recognize the limitations.

What I find to be an anomaly here is we've developed what is supposed to be a vastly superior system over what we had in 1973 when we came up with the last Rule, but for some reason, with this vastly superior system, we need a more restrictive policy. I think we should ignore the suggestion that it can't be done. I think more can be done, but certainly not as far as Mr. Scott would like. I think we can go to the point of certainly printing all the interjections that are replied to and all that appear to be relevant, and I realize that the word "relevancy" has some problems, so I would suggest that we make it as wide as possible. That's the easiest way; to make it as wide as possible, but I would not agree with Mr. Scott's suggestion that all interjections be printed, because there are times other interjections and debates going on between backbenchers when someone else is speaking, where someone on each side are engaged in banter which may or may not interrupt the speaker, which may or may not be relevant to the debate. That kind of stuff can easily be ignored, but the stuff which is actively being engaged in as part of the debating framework in the Chamber, back and forth across the floor, is essential and that should be on the record. I just can't see any way of ignoring that unless we want to just get engaged in a speech-making society and then we might as well mail them in.

**MR. CHAIRMAN:** Mr. Graham.

**MR. H. GRAHAM:** Mr. Chairman, nobody is attempting to curtail debate in the Assembly. Let that be clear. What we are talking about is the production of Hansard and the recording in Hansard of what has happened in the Chamber. The Speaker of the Assembly has recognized a particular member and that person is the only person who is recognized by the Speaker to have the floor and to have his remarks recorded. I would suggest that before we make any decision on this that we go back to the Hansard staff and take, say, Page 1562 or something out of Hansard as it was recorded in the last Session and produced by Hansard, and have the same page reproduced with every conceivable interjection that was recorded put in it and then you will see what kind of results you're going to have and you would have a document presented or printed that would be absolutely unintelligible.

I suggest you do that and bring it back to the Committee and let us examine what would happen if every conceivable interjection was recorded and printed and then we can make a comparison and see what we're really talking about.

**MR. CHAIRMAN:** Mr. Penner, Mr. Ransom and Mr. Scott.

**HON. R. PENNER:** Mr. Graham is absolutely right. The last number of interventions here, I think, have missed the point. We're talking about what is to be recorded in Hansard. No one, to my knowledge, certainly I did not suggest that we stop interjections, not at all. Nor can it be said that how, if at all, interjections

are to be recorded would in any way, immediately or by the operation of the slippery slope, affect freedom of speech with respect; that's not what was said and not conceivably what can happen.

There can be, and will be, as many interjections as members wish to make and the House is willing to tolerate I suppose. My concern, in fact, was with the suggestion that some editing should take place and, again, Mr. Graham is right. If you really want to preserve all of these bons mots for immortality then you must record them all and instead of an intelligible Hansard you have a hodgepodge.

Beauschernes says that the official report of debates, commonly referred to as Hansard, is the record of speeches made in the House; that's what it's there for and my point was that if someone interjects and I'm concerned about it enough I'll reply to it or see in that way that it is recorded. But to call, and this is my point, really was my only substantial point and remains my only substantial point; namely, that to call upon the staff of the House to act as editors, to say what the staff considers to be relevant and then that will decide what is recorded is to put a task on the staff which I think is not theirs at all - and, indeed, I think is potentially destructive of the parliamentary process because you have non-elected officials or staff making decisions as to what becomes part of the parliamentary record. That I think is entirely wrong. I can't think of anything more erroneous in principle than to call upon them to make the decision. Whether you try to make some distinction, and with respect I've found them to be distinctions without a difference about whether something is banter or interruption or an interjection, is impossible to do. One person's banter is another person's interjection, and somebody else's interruption.

I think that the Hansard should record the speeches; there should be as many interjections as anyone wants or, as I said, we can tolerate, but if someone wants, as the speaker, to make some point about an interjection then let the speaker do it. Although Mr. Scott took the opportunity to read me a lesson about my past, present, and future I don't think one has to be a debator or to have debating experience, to make note of something that has been said; that's rather elementary I would have thought.

**MR. B. RANSOM:** Mr. Chairman, as frequently happens I find myself in agreement with what Mr. Graham said; and as rarely happens I find myself in agreement with what Mr. Penner has said; and therefore it's not necessary for me to repeat the very valid points that I think they made.

**MR. D. SCOTT:** First, in follow up of Mr. Penner's, "the rationale for purposes of debate in Hansard and recording of debate is a record of speeches made in the House," it also contains answers to written questions in the Order Paper. Then it goes on to say, "slight verbal alterations are allowed to be made by a member in order to make his meaning more precise and accurate. However, he may not, by the insertion of words or phrases, affect material changes in a meaning of what he actually said in the House." So, what that says . . .

**HON. R. PENNER:** That has nothing to do

with interjections.

**MR. D. SCOTT:** That's right, it has nothing to do with interjections and what you try to refer to was not a point referring to interjections, it is more of a point referring to the House of Commons procedure, presently, where people are able to get back their speeches and edit their speeches before it goes to Hansard for printing. I think that to try and bring that up and make a relation that has something to do with interjections is wrong, so it shouldn't have been brought up in the first instance at all.

To suggest that we're trying to make the staff be the people, the ones recording and determining what is relevant to the debate, I think, basically is more red herring than anything else when what you're asking them to do is basically not pick up the audible comments that can be heard from the front benches of discussions between people; that's what I'm talking about relevant to the debate. If someone interjects with something which is relevant to debate then I think it should be recorded. If it obviously has nothing to do with the debate and you have a couple of First Ministers, or a couple of front benchers from the Opposition having a discussion, that certainly has no place in Hansard, it has nothing to do with the speech or the debate that is going on at the present time.

So I think that I'll just close off by saying that if we want to have the public aware of what is going on in the House, to make members accountable for the speeches and for the comments that they make in the House - I think comments, as has been said many times, are a part of the House the same as speeches are virtually - that we should be recording all interjections where they're audible and relevant to the debate, and to identify where possible the interjectionist.

**MR. L. SHERMAN:** Mr. Chairman, thank you and I'll be brief. The difficulty has arisen in the last two years with the new sound system. I think anybody looking over - anybody who is a veteran of the House such as Mr. Fox - anybody looking over the Hansards of the last two decades, ever since Hansard started to be printed, I think it's two decades, would agree that interjections are in there throughout. They do not make mincemeat out of speeches. There is the occasional interjection in the occasional speech. There might be two or three interjections, one line interjections in a speech but that doesn't make mincemeat out of the speech and those were always recorded and attributed without any difficulty, and in most cases they added considerably to the flavour of the debate.

The problem that has arisen is with the new very highly delicate, highly sophisticated floor mikes that pick up the conversations on the benches, both on the Oppositions side and the Government side. I can understand that creates a great difficulty for the Hansard recorders, but those are not interjections. What some of us are talking about around this table are interjections which are interjections into the debate directed at the speaker. We're not talking about the conversations that are going on between me and my seat mate, or Mr. Penner and his seat mate. Perhaps we have to look at the mechanical system in the House and even modify it somewhat, even consider eliminating those floor mikes. We never had any

difficulties with identifying interjections before we had those highly-sensitive floor mikes. So I think we should not throw the baby out with the bath water. Just because we've got a highly sophisticated sound system I don't think we should move in a Draconian fashion against interjections on the record.

**MR. CHAIRMAN:** Mr. Anstett

**MR. A. ANSTETT:** Mr. Chairman, I would think that we are having some difficulty reaching a consensus on this.

**HON. R. PENNER:** Oh, you just think that, you're not sure.

**MR. A. ANSTETT:** I am sure that we're not going to reach a consensus today because of that difficulty so I would suggest that for the time being, because of the difficulty we've had during the last Session, that we stick with the report of the last Rules Committee in February of '73 until such time as we can agree as a current Rules Committee, to come up with a policy that provides some form of different direction, and that policy is laid out in the paper we have before us.

Since we can't agree to change it I think we'd be well advised to agree to stick with what we have now and, until we can come to some sort of agreement for change, stick with that policy, because if we try to change the policy today to something different I suspect we're going to continue the debate for some time.

**MR. CHAIRMAN:** For clarification, Mr. Anstett, what the practice is now is not what was agreed to in 1973. That is, you know, the question that's before the Committee right now.

Mr. Graham.

**MR. H. GRAHAM:** Well, Mr. Chairman, just to correct the record, I believe Mr. Sherman left the impression with the Committee that it had been the practice at one time to record all interjections. I don't believe it ever was the policy that only some interjections were printed. I am not aware of any period when Hansard reproduced all of the interjections that occurred in debate.

**MR. CHAIRMAN:** Mr. Fox.

**MR. P. FOX:** I think if we follow the policy that we issued in 1973, there will have to be some editing, and it was done in the past and I think was done well because it said "audible, intelligible comment spoken in the Assembly."

**MR. A. ANSTETT:** Intelligible, not intelligent.

**MR. P. FOX:** So, as I say, we'll have to see if our staff can comprehend and carry out. I'm sure that they will do their best, because . . .

**HON. R. PENNER:** I think that's at least an easier test than relevant.

**MR. P. FOX:** That's right, I agree. Because we have more sophisticated equipment is no reason for not

giving them a chance. The policy that was enunciated, by whoever, recently restricted them from doing their job properly and I think that wasn't fair for them or for us.

**MR. CHAIRMAN:** I make the time almost 12:30, is it the wish of the Committee to come back after lunch to proceed or leave this until a different day? Can we adjourn then until 2 o'clock? (Agreed) We'll return to this item.