



Third Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE

on

RULES OF THE HOUSE

33 Elizabeth II

Chairman
Hon. J. Walding
Constituency of St. Vital



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Hon. Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BIRT, Charles T.	Fort Garry	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Q.C., Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
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DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	IND
DOLIN, Hon. 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, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	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, Hon. Gérard	Radisson	NDP
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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
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PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
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PLOHMAN, Hon. John	Dauphin	NDP
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SANTOS, Conrad	Burrows	NDP
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SCOTT, Don	Inkster	NDP
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. 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

Monday, 21 January, 1985

TIME — 10:00 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Hon. J. Walding (St. Vital)

ATTENDANCE — QUORUM - 5

Members of the Committee present:

Hon. Messrs. Anstett, Penner
Messrs. Enns, Fox, Graham, Mercier, Santos,
Scott

APPEARING: Mr. D.W. Moylan, Legislative Counsel

MATTERS UNDER DISCUSSION:

1. Adoption of Agenda.
2. Proposed Rules' Amendments Respecting Voting Procedure in Committee of Supply.
3. Guaranteed Minimum Debating Time for Constitutional Matters.
4. Consideration of a Proposed Smoking/No Smoking Rule or Policy to Apply to Committee Meetings.
5. Proposed Amendments to Rules Respecting Petitions, Public Bills and Private Bills.
6. Review of Previous Speakers' Rulings.
7. Consideration of Possible Changes to Practices in Private Members' Hour.
8. Proposed Amendment to Rule 10 Respecting Ringing of Division Bells.
9. Consideration of Possible Amendments to the Rules of the House:
 - (a) to amend sub-rule 1(2) respecting procedure in unprovided cases; and
 - (b) to add a new rule providing for a grievance procedure.
10. Consideration of a Proposed Policy Respecting the Correction of Printing Errors in the Annual Statutes (bound volumes).
11. Other Business.
12. Time and Date of Next Meeting.

* * * *

MR. CHAIRMAN: Order please. There being a quorum, the committee will come to order.

Before we get to the agenda, there are the signatures of two members, Mr. Storie and Mr. Eyler. Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I would move that Hon. Mr. Penner be put on the committee to replace Mr. Storie, and Mr. Fox be placed on the committee to replace Mr. Eyler.

MR. CHAIRMAN: Mr. Penner and Mr. Fox have been nominated. Is that agreed? (Agreed) Agreed and so ordered.

The agenda has been circulated. Is it agreed to that we take the matters in order that they appear? (Agreed)

**2. PROPOSED RULES' AMENDMENTS
RESPECTING
VOTING PROCEDURE IN COMMITTEE OF
SUPPLY**

MR. CHAIRMAN: A background paper has been circulated and we're waiting for an indication of how many members are required in order to ring the bells and hold a formal vote.

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, there was some debate last meeting about what the exact number should be. We've discussed this on our side and I believe there was an indication from members opposite at the time that the number 2 would be acceptable and we are prepared to go with the number 2.

MR. CHAIRMAN: Mr. Mercier.

MR. G. MERCIER: Mr. Chairman, our caucus has agreed with two.

MR. CHAIRMAN: If there is agreement then by the committee can we insert 2, the number "2", in (7.1) and I think the same thing occurs on the second page in (a.1).

Would you like to read it over and see if the wording there is convenient for you.

Mr. Mercier.

MR. G. MERCIER: If I could express a concern expressed by a member of our caucus during the discussion, it was with respect to what he thought was a practice in the past whereby a member could ask for raising of the hands on a question in committee simply to get a number in the committee. He believed that this had been a practice and perhaps the Government House Leader would like to comment on that.

HON. A. ANSTETT: Mr. Chairman, that particular question was part of the problem that members indicated they wished addressed. There were some differences of opinion as to what the correct practice was, and on occasion count-outs were held in single committees without the ringing of the bells, calling all members who are members of the committee to the count-out. And that was the difficulty that members wanted to address. I think we discussed at the last meeting that one of the primary purposes of the rule was to allow all members to attend at a vote in a section

of a committee without a count-out at which the government could be defeated. That was really the bottom line, that you didn't want a situation where you had the government defeated in a section of the committee and then have the vote confirmed in the whole committee or in the House the next day, or whenever.

Formalizing that, and setting out the rules, which have really flowed more by happenstance from the division of the committee in '75, was designed specifically to eliminate the necessity of the government maintaining a majority in both committees at all times. Clearly, the government can't maintain a majority in both committees at all times if opposition members decide to move to one section or the other.

MR. CHAIRMAN: Any further discussion? If there is not, is the committee then in favour of the amendment as set out in background paper No. 1 - 85? (Agreed) Agreed.

Mr. Graham.

MR. H. GRAHAM: Maybe I was inadvertently missed in the distribution of material. I don't recall receiving a copy of the transcript of our last meeting, our Hansard. Was there one? — (Interjection) — Okay.

MR. CHAIRMAN: If there is nothing further on this item, No. 2, can we move on to Item No. 3 on your agenda.

3. GUARANTEED MINIMUM DEBATING TIME FOR CONSTITUTIONAL MATTERS

MR. CHAIRMAN: There is no background paper; it was a concern of Mr. Mercier, I believe.

Mr. Enns.

MR. H. ENNS: I think it's correct to say that the item has its genesis on the basis of an amendment that Mr. Mercier was attempting to make during the course of some action in the House in the previous sitting.

This is, I take it, a commitment then given by the Government House Leader to address this question at a subsequent Rules Committee meeting and I think that just simply explains how the item is on the agenda.

MR. CHAIRMAN: Mr. Remnant.

MR. CLERK, W. Remnant: Mr. Chairman, if I might just add something, I would like to explain why there is no background paper. There is a background paper in process. It has not been possible to get it completed. The research has taken me considerably further afield than I originally expected to have to go to find out if there are comparable provisions. I'm now in touch with the Clerk of the overseas office of the United Kingdom House of Commons to find out what, if any, provisions, comparable to what this committee has in mind, exists elsewhere in the Commonwealth. In Canada there is absolutely nothing. A constitutional matter in Canadian jurisdictions is dealt with under the same rules and practices as any other matter.

I am also making contact with the Inter-Parliamentary Union which, for countries outside the Commonwealth,

is a comparable organization to the Commonwealth Parliamentary Association; and there are indications that there are not only special voting numbers but also special, within IPU countries, some special considerations about time for the consideration of constitutional matters. But I don't have the answers I am fervently hopeful that I will be able to complete a background paper within the next week or two.

HON. A. ANSTETT: I believe, Mr. Chairman, that as a result of discussions in the House, last June I believe - late May, first week of June - it was agreed that the Rules Committee would consider basically two items the question of a guaranteed minimum debating time of some form, and also the question of a guarantee for public input, a committee stage, or some other mechanism, if not in direct committee stage, some other mechanism to ensure that the matter would be considered through the public hearing mechanism of the standing committee, either before it went to the House or as an interim measure during consideration by the House or by reference to inter-sessional study if the amendment didn't have to be passed at that Session.

I believe that, as well, we agreed in principle, we wished to consider - and I think there was a favourable indication by both sides as well - to the question of setting aside a guaranteed minimum time, was favourably looked at by both sides. There were some I suppose you might say, "constitutional implications" of how you set up the rules so that they operated in accordance with practice, particularly the question of requiring special majorities, did not find favour on this side. But I believe the specific questions of committee stage or committee process and minimum time were agreed to in principle. It's a question of basically hammering out the mechanism and I look to the Clerk of course, for that background paper and the advice as to what mechanisms are in place elsewhere and might possibly work for us.

MR. CHAIRMAN: Is there any further discussion?

Mr. Enns.

MR. H. ENNS: Mr. Chairman, I take it then that we await that further information and allow this matter to be deferred for the purpose of this meeting.

MR. CHAIRMAN: That appears to be the will of the committee, if there is no further discussion. Can we defer that matter till a future meeting and move on to Item No. 4.

4. CONSIDERATION OF A PROPOSED SMOKING/NO SMOKING RULE OR POLICY TO APPLY TO COMMITTEE MEETINGS

MR. CHAIRMAN: Background paper No. 2 - back to smoking again.

Mr. Anstett.

HON. A. ANSTETT: I regret to inform the committee Mr. Chairman, that this item has not been considered by our caucus to date. We have a meeting scheduled

r this afternoon and it is my hope that it will be resolved at that time. I would ask therefore that this matter be deferred.

IR. CHAIRMAN: Further discussion?
Mr. Graham.

IR. H. GRAHAM: Can I ask a question? Will Mr. Desjardins be at that meeting?

MEMBER: Only in the "No Smoking" portion.

IR. CHAIRMAN: For Mr. Graham's benefit, and other members of the committee, the transcript of the last Rules Committee has been mailed to the caucus rooms, but additional copies are available here and are being distributed for members who might wish to refer to them.

Is it agreed then that Item No. 4 will be deferred?

IR. D. SCOTT: When were they mailed? The 13th?

HON. A. ANSTETT: Well, you're the only one that wasn't inadvertently . . .

HON. R. PENNER: I'm the only one - I wasn't there.

IR. H. GRAHAM: This is the 13th - we still haven't got it then.

HON. R. PENNER: I have no reason to believe, Mr. Chairman, that the others didn't get theirs, they just inadvertently left them lying around in some dim recess of their office, and have come here to defame the Clerk's office. I want that noted for the record.

IR. CHAIRMAN: We move on then to Item No. 5 on our agenda, Proposed Amendments to Rules regarding Petitions, Public Bills and Private Bills, Background Paper No. 3.

5. PROPOSED AMENDMENTS TO RULES RESPECTING PETITIONS, PUBLIC BILLS AND PRIVATE BILLS

IR. CHAIRMAN: I think it's in line with previous agreements by the committee and may just need approval rule by rule.

IR. D. SCOTT: Is that in this package that we got last recently? — (Interjection) — The previous weeks, okay, okay, that's better.

IR. CLERK: Actually there are two pieces. There are the rules themselves and there's an explanatory piece on the . . .

IR. CHAIRMAN: Do you wish to go through the rules rule by rule, or through the background paper, just stating what the changes are and approving those? Or do you wish to approve the whole thing as is?
Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman, I believe that this incorporates the amendment suggested in a report

by our previous Legislative Counsel, Mr. Tallin, in consultation with both Mr. Remnant and Mr. Mackintosh, that goes back to last winter. I believe we, on this side, were prepared to agree to these changes at a meeting earlier this fall, and it was Mr. Mercier, the other side, who wanted the detailed notes so that they would have an opportunity to review the implications. We're prepared to pass the changes en masse unless there are detailed questions about any of the proposals.

MR. H. GRAHAM: I have some questions, they're not major but . . .

MR. CHAIRMAN: Any other questions or comments by other members?
Mr. Mercier.
Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, I note in dealing with petitions, that there has been a new element . . .

MR. CHAIRMAN: Are we going through them line by line or do you have a specific questions that you want to go to?
Mr. Graham.

MR. H. GRAHAM: Dealing with a petition, I notice that there's a requirement that that petition shall be in writing in the form set out in Appendix A, and that's a standard form that apparently is in the rules now. But I wonder why there is a need for a standard form for a petition. Has anyone got a good reason why there should be one?

MR. CLERK: Mr. Chairman, I suspect that the purpose for laying out a model petition in the rules is simply to assist those people who are endeavouring to comply with the rules and are not at all sure of the format which they should follow. And I believe this is just intended to be a helpful guide to assist such people.

MR. H. GRAHAM: The part that bothers me is would it be possible that a petition would not be considered because it was not on a standard form? And the reason that I raise the question is that in petitions there is a deadline for the acceptance of petitions and quite often the petitions that we receive are not from the immediate Winnipeg area, they come from outlying districts. I would not want to see a petitioner disadvantaged because the petition may have arrived on time but was not on a standard form.

And if there's a good, valid reason for having a standard form, then that, to me, is fine. If it is there only for a guideline, then I suggest that that's what it should be labelled as such - as a suggested form.

HON. R. PENNER: I agree and I'm wondering whether, if there is agreement, we couldn't amend Rule 104 to say, "may be in the form of appendix "A".

It would be silly to defeat a petition because there was some minor variation, as long as the substance is there, because the petition just starts the process and it has to go through debates and all the rest of it in any event.

MR. CHAIRMAN: Mr. Graham, that's been noted and the change can be made and appears to make no

difference, but to permit that to happen. Is that agreed? (Agreed) Agreed.

With that change, anything else?

Do you wish a moment to read through the proposed rules?

Mr. Mercier.

MR. G. MERCIER: Mr. Chairman, with respect to new rule 106, in reading the explanation, the old rule required the Clerk to publish a notice for about two months prior to each Session of the Legislature, with respect to notices of private acts. The new rule, 106, requires the Clerk to publish this in each issue of the Manitoba Gazette.

I wonder if the Government House Leader, or someone, could offer an explanation as to why that change is being made.

HON. A. ANSTETT: Are you referring to new rule 106?

MR. G. MERCIER: New rule 106, yes.

HON. A. ANSTETT: I'm not clear on the question, Mr. Chairman, perhaps Mr. Mercier could repeat it.

MR. G. MERCIER: The old rule required the Clerk to publish a notice with respect to private acts for about two months prior to each Session. The new rule, 106, requires the Clerk to publish the notice in each issue of the Manitoba Gazette, which comes out weekly. I'm just wondering why there is so much greater requirement.

HON. R. PENNER: It says published weekly in 107(1)(a), the way it was.

HON. A. ANSTETT: Mr. Chairman, I'm not clear on the nature of the change, because the current Rule 106 intends to place Rule 107(1)(a), which required the publication weekly in the Gazette . . .

MR. G. MERCIER: Or two months prior to each Session.

HON. R. PENNER: Yes, about two months, and that's what 107 says and that's what 106 says.

HON. A. ANSTETT: Yes, I'm not clear on what the difference is, they appear to be identical.

HON. R. PENNER: It's a renumbering is about all it is.

HON. A. ANSTETT: Existing rule 107.(1) . . .

MR. G. MERCIER: It says for two months prior to each Session; the new rule says in each issue.

HON. R. PENNER: Mr. Chairman, 107.(1) "The Clerk shall, for about two months prior to each session of the Legislature, publish weekly" and then the (a) part follows;" it's hard, at first for us to see any difference between 107.(1)(a) and the proposed 106. I think probably all that was intended is a renumbering and a reordering of the words.

MR. G. MERCIER: Where?

MR. CLERK: ". . . for about two months prior to each session," which was contained in 107(1)(a); that phrase has been dropped entirely.

HON. R. PENNER: Not in the . . .

MR. CLERK: In the proposed amendment that phrase is dropped entirely.

MR. CHAIRMAN: Page 13 of the proposed . . .

MR. CLERK: Oh, those are simply explanatory notes you have. In the new 106 . . .

HON. R. PENNER: We're looking at the wrong document.

MR. CLERK: Mr. Chairman, if I might, I believe this continuing notice is a practice in some other jurisdictions, I'm not sure. I must confess I don't know since this material was primarily all drafted before I got here and was drafted in consultation with the committee. I think this is about the third time that the committee has studied these amendments and I can't comment on the history.

I see the difference that Mr. Mercier is pointing out, but I can't comment on the reasons for it, except, as I say, in some other jurisdictions there is such a provision respecting notice.

MR. H. GRAHAM: What would be the difference in cost?

HON. R. PENNER: I don't know what the notices are; it's a long time since I had to publish a notice in the Gazette. I must be up to about \$15, and if you have to do it once a week for eight weeks, that's a hunk of money.

MR. H. GRAHAM: No, but if you have to do it every week . . .

HON. R. PENNER: If you have to do it every week . . .

MR. H. GRAHAM: Per year.

HON. A. ANSTETT: The whole year round.

MR. H. GRAHAM: This is year round.

HON. A. ANSTETT: In each issue of the Manitoba Gazette.

MR. G. MERCIER: Fifty-two issues. We might be inadvertently adding additional costs which really aren't subject to . . .

MR. CHAIRMAN: Each doesn't mean every.

HON. A. ANSTETT: In this case it means every issue, clearly.

Mr. Chairman, I think that the intent of the change is to get around the difficulty of the Clerk estimating

when a Session would begin. In some years the notices weren't published and the Session was called for December, both in '80 and in '82. In other years the knowledge in the Clerk's Office of when a Session is going to begin; or, in this case, the requirement of a petitioner to publish between the close of the next preceding Session and the time of consideration of the petition is a problem because the House is not prorogued.

The intent of the change is basically to assume that the Legislature, instead of operating the way it did in the '50s for six to eight weeks in the spring, operates for a slightly longer period of the year and it's not entirely predictable that that will be, sort of, February to June. That being the case, I think the intent is to provide notice on a year round basis.

I share Mr. Penner's concern, and I think Mr. Mercier's, that requiring it every single week may be a bit onerous; perhaps once a month. It's going to be for about two months prior now, which is probably eight weeks. If we do it once a month year round, perhaps in the first issue every month of the Gazette, that might accomplish the same objective.

HON. R. PENNER: I think what happened in the drafting is a kind of a merging in thought, but not in fact, of 106 and 107, and I'm just wondering whether if we can agree here, in principle, what it is that we want and then let's refer it to Legislative Counsel and the Clerk to do the wording, instead of trying to draft here, because we may end up with the same mishmash.

I don't know what Mr. Mercier's suggestion would be . . .

MR. G. MERCIER: I think this is too onerous.

HON. R. PENNER: Far too onerous; twice before a Session would be more than enough, wouldn't it?

MR. G. MERCIER: Well the existing practice is for two months, which could be approximately eight issues, I take it.

HON. A. ANSTETT: One is publication by the petitioner; the other is notice by the Clerk as to what the rules are.

MR. CLERK: I can give you a national sampling, if the committee wishes, of what the practices elsewhere are, after some quick research: House of Commons is weekly year round; British Columbia is weekly during recess; Saskatchewan is in the first issue of each month of the Saskatchewan Gazette.

MR. G. MERCIER: Monthly during recess would seem to me to be reasonable.

HON. R. PENNER: Yes, and that's just to publish, Rule 107(1) and then we still have to look at the language of 107 with respect to the duty on a petition.

MR. CLERK: Mr. Chairman, might we get a little clarification on what Mr. Mercier means by recess. Technically, in parliamentary terms, recess is that period when the House stands prorogued. I think what's

remaining is that we would be publishing monthly, if I understood, during recess, including this period when the House has been adjourned now.

MR. G. MERCIER: Well, that leads into a second point I wanted to raise with respect to the existing Rule 107(2), which requires "the Clerk, immediately after the issue of the proclamation convening the Legislature for the dispatch of business," to publish a notice. I think I've seen the notice published, but I didn't know we were going back into Session.

HON. A. ANSTETT: He is publishing under 107(1).

MR. CLERK: Yes, approximately two months . . .

MR. G. MERCIER: That's what he's doing now, okay.

MR. CLERK: Yes, yes.

MR. G. MERCIER: Mr. Chairman, it would seem to me, just based on the brief review by the Clerk of practices in other jurisdictions, that a monthly notice while the House is not sitting to be adequate notice.

MR. CHAIRMAN: Does that present any problem?

MR. CLERK: Monthly notice when the House is not sitting? No, that's fine, that's very clear, I think.

HON. A. ANSTETT: What is the difference, I would ask members, or the Clerk, between the House sitting and not sitting in terms of providing information to the public? In other words, the period of time during which the public can petition for a private bill? It extends well into the life of the Session. Even under the proposed new rules that period of time, in fact, is going to be extended further.

MR. CLERK: Under the proposed new rules, there are no time limits.

HON. A. ANSTETT: Exactly.

MR. CLERK: So that — (Interjection) — if public interest exists, whether or not the House is sitting, and on that basis, I don't know if the committee has any interest in following the Saskatchewan lead of monthly, in the first issue of each month year round, because . . .

HON. A. ANSTETT: Since we're removing the time limits, which we always waived anyway, if it was necessary to remove the time limits, in the past we waived them. What we're in effect doing is providing the public with the information all year round, whether the House is sitting or not. The information is no more or no less valuable in the Gazette when the House is sitting or not sitting. In fact, strictly speaking, I'm not sure that very many members of the public or the legal fraternity get their information about how to present a petition or proceed with a private bill by reading those three rules in the Gazette. From experience, I know that they go to the Clerk's Office to get the information. I think the Gazette publishing requirement

is something we've always done, since the Gazette is the official, legal mechanism for getting out government information.

But I think monthly all year round is probably the simplest way of addressing it. Unless there is a reason for not doing it during Session.

MR. CHAIRMAN: If there is no dispute - Mr. Scott.

MR. D. SCOTT: Is the policy not to do it during Session, not to publish it during the Session?

HON. A. ANSTETT: That was the suggestion, yes.

MR. D. SCOTT: Is there any reason why, during the Session, I would think, that for public information it's probably more critical than during the rest of the year because we tend to bring forward petitions with the expectations that they're going to be dealt with and wish that they shall be dealt with by the Session, so therefore the public could be aware of what petitions are already up front when a Session is in? It may be worthwhile to have them published weekly when the House is in Session and once a month outside. You know, it may . . .

HON. A. ANSTETT: It's not what it's for.

MR. H. ENNS: Just to confirm, the the Saskatchewan practice is monthly, year round?

MR. CLERK: Yes, Mr. Chairman. First issue of each month.

MR. H. ENNS: That's acceptable . . .

HON. A. ANSTETT: If members opposite are agreeable to once a month, I think we, on this side, would - just for clarification, Mr. Chairman, for Mr. Scott's benefit, there is no notice of what petitions are before the House in the Gazette. What appears in the Gazette is a recitation at the present time of the three rules respecting how to file a petition for a private bill. And what's proposed is that that would be all inclusive under the new rule, 107(1), and that the Clerk would publish once a month Rule 107(1) in the Gazette.

MR. CHAIRMAN: If that's agreed, can we then ask that that be drafted for the next meeting? Have the notice published in the first week of every month? How will that do?

HON. A. ANSTETT: I don't believe that has to come back, Mr. Chairman.

MR. CHAIRMAN: It doesn't, if that's agreed, can we agree - as to be worded?

Mr. Penner.

HON. R. PENNER: If we've done with that, I have a question relating to the wording of 107(1)(b). May I ask that question?

MR. CHAIRMAN: We've passed that first matter.
Mr. Penner.

HON. R. PENNER: Yes, thank you. I'm not sure of the intent of (1)(b). We've now - looking at the duty of the petitioner - he has to publish within 12 months prior to the presentation in one issue and (b), at least once in each week during two weeks. What is "in each week during two weeks"? Which two weeks?

MR. CLERK: It's picking up existing language, Mr. Chairman, and I'm not sure either what it means. It's tried and true Manitoba language but — (Interjection) — well, one assumes so since it's already found in Manitoba's rules.

HON. R. PENNER: And that can be any two weeks in that 12 months? — (Interjection) — One would have thought at least once in each of two weeks would be normal English.

MR. CHAIRMAN: During two weeks suggests a fortnight.

HON. R. PENNER: There's language for you, fortnight. That's what I think we should use.

MR. H. GRAHAM: It's just an enlargement on 108(b), I think.

HON. R. PENNER: Everybody seems to know what it means and I just think it's very clumsy English, and if we are going over this why don't we clean it up. — (Interjection) — That's right, so you run your newspaper publication, you want it twice. The thing is do you want it twice at any time during the year or two successive weeks.

MR. D. SCOTT: That's what it means here, two successive weeks.

MR. P. FOX: The wording is awkward, but it means two successive weeks.

HON. R. PENNER: Then it should say two successive weeks.

Mr. Chairman says suppose it's a monthly paper that you choose.

MR. CHAIRMAN: Do we have to change it if it hasn't been any problem?

HON. R. PENNER: While we are redoing the rule, it just seemed to me that we could bring some clarification and I was sinful enough in my pride to assume that since it wasn't clear to me, it wasn't clear to anyone.

MR. CHAIRMAN: Mr. Moylan, what's your proposed wording change?

MR. D. MOYLAN: I would suggest, Mr. Chairman, the following, whereas at least once in each of two weeks during the twelve months heretofore mentioned. That ties back to your 12 months in introductory words, and then it goes on, "in an issue of a newspaper . . .".

That would presumably mean any two weeks during that 12-month period, if that's what you want; and, if a newspaper is published monthly, obviously you can't

have it in two successive weeks, so it's better not to say "successive," I would suggest.

MR. CHAIRMAN: The committee agreed to adopt that wording? I'll take silence to mean consent.

Is there anything else? Any further question or comments?

Mr. Graham.

MR. H. GRAHAM: No, no more comments.

MR. CHAIRMAN: Can we then agree to the rules changes, as amended? (Agreed) Agreed and so ordered.

6. REVIEW OF PREVIOUS SPEAKERS' RULINGS

MR. CHAIRMAN: Item No. 6, a review of rules on which rulings are based. Material was circulated I believe at the previous meeting, Background paper No. 4.

HON. R. PENNER: Our group has not yet had an opportunity to review the material circulated and to formulate some opinions on it, and we would respectfully ask that the item be deferred to another meeting of the committee.

MR. CHAIRMAN: Is it the pleasure of the committee to defer that matter? (Agreed)

7. CONSIDERATION OF POSSIBLE CHANGES TO PRACTICES IN PRIVATE MEMBERS' HOUR

MR. CHAIRMAN: We move on then to Item No. 7, Background paper No. 5, possible changes in Private Members' Hour.

Mr. Remnant.

MR. CLERK: Mr. Chairman, Members, I apologize for only having just got this circulated this morning and I would like to draw the members' attention to a statement on Page 2 in which it states that an appendix will be provided in the very near future to identify the principle rules relevant to this topic in force in some other Canadian jurisdictions.

Mr. Chairman, I got into the research required to find out what other people do in relation to Private Members' Hour and it became a very complex exercise and an exercise in which you really won't get the picture by reading the Rule Book. I'm going to have to do some research with individual Houses to ask them, okay, this is what your Rule Book says, what really happens; or your Rule Book doesn't say much of anything, does anything happen out there?

Unfortunately, time was just not on my side, so I'm sorry for the oversight, but I wanted to draw it to your attention, and my research is under way on that aspect of the paper, but I felt the committee might like to have the first aspect of it, the evolution of Private Members' Hour practices in this province.

MR. H. GRAHAM: It seems like we may be unloading an awful lot of work on our Clerk, and I would like to

know how important to us, in the operation of our House and Private Members' Hour, would the information be, because No. 1, we are concerned more with what is going to happen within our own House, and if it's consistent with what goes on in another jurisdiction, that may be fine, but is it really that important whether it is consistent or not with what goes on in another jurisdiction?

HON. A. ANSTETT: Mr. Chairman, I believe the request which the committee made to the Clerk last time was not made on the hypothesis that we would be looking for consistency, but rather to see if there were innovations in other jurisdictions which we might wish to borrow. I think clearly our Private Members' Hour has evolved to be something quite distinctive and not at all similar, as I understand it, to what happens in other jurisdictions.

I think Mr. Ransom's proposals, and the additional proposals which he and I discussed, both privately and in the House last year, some of which came out of those discussions at my suggestion, basically received favourable response from members of the committee, and certainly received, in general, a favourable response from members of our caucus when the matter was raised with them.

If that's the case with members opposite, we may wish to proceed to request some specific new rule drafts today, after going through these particular items and, if there is anything coming out of the Clerk's research which suggests perhaps some innovative methods of addressing any of the questions, we could ask him to report on those at the next meeting, but cancel the request for a complete report on the operation of Private Members' Hour in detail in all of the other jurisdictions.

I think the Clerk has set out the areas in which we have special interest. If the other jurisdictions have anything which is of interest, with regard to those specific proposals, we could hear from him on those, perhaps just orally at the next meeting, but if that's an agreeable proposal we could at this time start to give specific direction as to the type of rule we would like to have here since I believe there is agreement on the concept of changing Private Members' Hour to make it more productive.

MR. H. ENNS: I would certainly think that that is the hope that we utilize Private Members' Hour somewhat more productively than has been in the immediate past, particularly the gamesmanship that has to be played sometime when a private member's resolution is felt ought not to come to a conclusion or to a vote, then have to seek out the necessary speakers, sometimes on short notice. All of these are some of the concerns that have been raised in the House by my Deputy Leader, Mr. Ransom, and as the Government House Leader indicates privately to him by the same Mr. Ransom. I think we would be very receptive to clear recommendations with respect to these concerns about Private Members' Hours, hopefully that could be in place for the coming Session.

I would ask the Clerk's Office to provide for us a clear, straightforward change in the procedure, a recommendation of twice a week which has been tried in this Legislature on previous occasions, possibly with

the addition of some limitation with respect to the number of times a private member's resolution is up for debate, whether or not that would extend to current time limitations under debate by specific members, which I believe is 20 minutes. But I think if we saw a rule before us, we would then be in a position to have our respective caucuses respond to it and indeed could respond relatively expeditiously to that new rule change.

HON. A. ANSTETT: May I suggest, Mr. Chairman, that we go through the proposals identified on Page 1 of the background paper and see if we can flesh each of them out sufficiently to give the Clerk direction in drafting?

MR. CHAIRMAN: That seems to be a reasonable solution.

On the first page then there are six items, (a) to (f). Item No. (a), reducing the number of Private Members' Hour to two per week.

Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman, I would suggest that two per week would be desirable. It would amount to cutting in half the amount of time since we currently, to my recollection, have not held Private Members' Hour on a Friday, if at all, more than once a Session for a number of years. I would suggest that one of the days should be Wednesday, because that would have the advantage of not causing committee work to be interrupted for Private Members' Hour since we don't sit Wednesday evening, and that the other day, perhaps to allow a day's space, could be Monday. Certainly, I think it would be better than having both of the days coming out of the Monday, Tuesday, Thursday-period when we do sit in the evening.

The other option would be to make it Friday, so that it would not interrupt Committee of Supply or other committee work and make it just Wednesdays and Fridays. The difficulty with that, of course, is that would virtually require us to sit Fridays between 12:30 and 1:30 and we often waive that Private Members' Hour now.

On the other hand, the advantage of that would be that we would not be rising Monday, Tuesday or Thursday for Private Members' Hour.

MR. H. GRAHAM: Mr. Chairman, we just received the review that the Clerk has done of how we have changed Private Members' Hour in this House over the last century and I would like to have a little more time to go through that, specifically with the idea of looking at the changes that occurred and the time when they occurred and compare it to the make-up of the House at that particular time.

The reason I do that is that we are operating here at the present time with just two political parties in the House, which is something that hasn't occurred in this House for quite some time, and if we are operating strictly on a two-party system in this House there is no problem. But if you have independent members and individual members who don't belong to either party, really you have to provide them with an opportunity in the House to present some of their own originality and that falls within the realm of Private Members' Hour,

because there is really no place in the business of the House for them to initiate.

I wouldn't want to see any changes in the rules that would possibly be detrimental to independent members in the present House or in the future, because these rules are being set down for the future as well.

So I think we should look carefully at proposed changes in Private Members' Hour, bearing in mind that we can adopt a practice to suit ourselves at the present time without changing the rules. By mutual agreement, we can accomplish an awful lot in this House, but I find it a little - I'm somewhat apprehensive about making changes that might adversely reflect or hurt an independent member in the House.

HON. A. ANSTETT: Mr. Chairman, I share all of Mr. Graham's concerns, and I believe Mr. Ransom does, too. I believe when he made these proposals, there was no intent to in any way limit the opportunities available to Private Members or to individual independent members who are not part of the two parties. By that I mean government and opposition parties, who obviously have much more to say about what business will be conducted in the House than an individual or independent member.

I think the thrust of Mr. Ransom's suggestions and my contributions to them must be taken as a body rather than on an individual basis. Certainly the first one, (a), appears to reduce opportunity, but in sum total I believe opportunity will be expanded. I think that is the overall intent.

I think as well, the impression should be corrected that all of these things can be done by agreement. At the present time, the lack of agreement of any single member can prevent the obtaining of the unanimity required to waive Private Members' Hour or to do a lot of the other things we do basically by consent between the two House Leaders.

The suggestion that we reduce to two days per week, which would be two hours per week, I thought there was general agreement on that. If there isn't, we should perhaps discuss it. I'm flexible as to which days they are, but I would suggest that reducing to two hours a week while, at the same time, limiting the time any member can speak to a resolution; and, at the same time, providing time allocation for resolutions, which - just to get an idea on the floor, Mr. Chairman, if I may go to the other topics to demonstrate the point - perhaps a time allocation of no more than 10 speakers, or 12 speakers, on a resolution, with a maximum time of 10 minutes each would provide that any given resolution could be addressed in two Private Members' Hours or, at most, three. Whereas, at the present time, if a resolution attracts enough attention; or, if members on either side don't want it to come to a vote, they'll rag the clock on that resolution through half-a-dozen or a dozen Private Members' Hours.

I think Mr. Enns made the point that the management of Private Members' Hour by House Leaders on both sides becomes a question of gamesmanship. Actually the time allocations and the time limit on individual debate would actually open the door to consideration of more resolutions and ensure that all private members' resolutions would get up at least a couple of times for debate, if that was the allocation - at least two hours

of debate, or three hours of debate - whereas, under the present system, a resolution can be blocked. It may only get up once. That happened Session before last.

It may be that we want to make it short enough that a resolution will either be talked out or voted on in the hour in which it's first introduced. I suspect that that might not be desirable in the long run in case there are amendments that members want to caucus upon. So that the vote would only take place at the next Private Members' Hour at which that debate was scheduled.

But I reject the suggestion that this is going to limit the rights of individual private members. I think properly set up it can enhance those rights.

MR. D. SCOTT: Mr. Chairman, I have a hard time accepting that when you take something from effectively four hours a week down to two hours a week that you are going to maintain the same potential for debate in Private Members' Hour, to me a fundamental basis of our election. We are elected representing political parties, but primarily we are elected as individuals; people do not vote for political parties, they vote for individuals, in most instances, who are tied to a political party. Therefore, the member elected as a private member, I think the functioning of the Legislature should facilitate that member to be able to participate somewhat independently, if necessary, and if need be, or if he so desires, from the political limitations that are naturally upon one during regular government hours of the Session.

A couple of years ago I brought forward proposals on amending Private Members' Hour as well. I was not satisfied that we can have resolutions and the games being played to drag them on and on and on so that they never come to a vote. I had several that I brought forward myself, I guess the one that I'm most disappointed never came to a vote was the one on Canada becoming more of a peacemaker instead of a participant in the arms race. I would like to see us have something so that, after a period of time perhaps, there shall be a vote, but I would not want to have resolutions, after a certain period of time, the resolution just dies and does not appear on the Order Paper again if it's been talked out. If one talks about the gamesmanship that goes on now, it's an awful lot easier to talk out a resolution when it's only allowed three days in the Legislature during Private Members' Hour than it would be if it does not terminate and the debating time can carry on once again.

It seems, in many instances, we've had seven and eight, I believe, private members' resolutions, and perhaps it's even higher than that number, on at any one time, and to cut it down just to two times a week, I think, is overly limiting that, especially when one considers that private members' bills are also to be considered in this time.

ION. A. ANSTETT: Private and public.

MR. D. SCOTT: Yes, and public bills as well, within that time.

Those need due consideration. Quite frankly, I don't think in most instances that they play the same significant role that the resolutions do, so I put even

a higher value on the resolutions in many ways, as far as for giving people's judgments and for the public to understand where their members are coming from, what their goals are, what they stand for, is far more clearly identified in private members' resolutions than they are in private members' bills where people, such as myself, sponsoring one on changing of a name from registered industrial accountants to certified management accountants; we had several curling rinks and golf courses, I believe; one school, the changes of their by-laws or creation of them.

So the resolutions part of the hour is probably the most important for us. I don't mind cutting down, I had actually proposed about a year-and-a-half, two years ago now, that we do reduce it to a point of 15 minutes so we could get an extra speaker up each day. That would give us four speakers a day instead of just three speakers as we generally have now, because seldom does someone get up and not go for the full 20 minute time limit. If we had a limit on the number of times a resolution could come forward, so it would only come forward on three different days, you would then have 12 speakers up and you would have a good reflection, I would think, of member's opinions towards that bill, at that point.

MR. H. GRAHAM: You'd be denying a member's right to speak then.

MR. D. SCOTT: Well, Mr. Graham puts up a very valid point that we would then be denying a member's wish to speak on a bill if the three days had finished, and that's a very valid point and I can accept that. On the other hand, I think with the gamesmanship we have right now of a resolution never coming to a vote is also not fair, both to the person who presented that and also to the public toward getting some idea as to where their members, as individuals, stand on issues that may be of very significant and very great importance to us as residents in Manitoba.

I appreciate what's been done, and especially the history of Private Members' Hour that the Clerk's Office has prepared for us and given us here. I'm glad to see a suggestion on Private Members' Hour, but I would hate to see us move very far at this meeting before we go back to our caucuses and make broader presentations or get acceptance from them and some discussion around where we think Private Members' Hours should go.

To me, it's a very very important part, and very important time of our legislative calendar and legislative days. It's, once again, emphasizing it's the individual members of the Legislature's time where they, as individuals, can get up and put forward a resolution that they feel is of some importance and that they feel should be addressed and cannot be done at other times of the day on a private member's initiative.

Therefore, I'd like to see changes, I'd like to see it modernized to some extent, at the same time not taking away the rights and the privileges of members, but trying to encourage them, both to get up and speak, speak more frequently perhaps, or reducing times, but at least for them to have an opportunity to express their opinions on issues of public importance which are not going to be addressed necessarily during

government hours because the government is not necessarily wanting to deal with all those issues.

Thank you, Mr. Chairman.

MR. G. MERCIER: Mr. Chairman, I could support, at least for the purpose of referring back to our respective caucuses, a proposal whereby we might consider Private Members' Hour three days per week and reducing the time for speaking to 15 minutes and requiring a vote after three hours of debate. Certainly, without question, I think we should confirm the practice of the House in dispensing with Private Members' Hour on Friday.

I raise one aspect; certainly, that sort of rule change would bring about a vote on Private Members' Resolutions, which I think is important for private members. It would require with respect to bills, though, a rule change.

One of the frustrating things in introducing a private members' bill is that the rules allow for the bill to be stood indefinitely, and that is a way in which governments of all political stripes deal with bills when they don't want to deal with them. So I think a rule change would be required with respect to private members' bills to ensure that, just like resolutions, they have to be dealt with and there would have to be a vote on them.

HON. R. PENNER: Just a couple of very brief comments.

I would like to emphasize that the intention here is to enhance the utility and effectiveness of Private Members' Hour, and to the extent that Mr. Scott feels that we may be achieving the opposite, then I think it's clear that more work has to be done to flesh it out and to discuss it in the respective caucuses and I don't think we should spend a great deal more time at this stage.

I just wanted to emphasize what the object is, because you can, purportedly under the guise of enhancing the democratic process and enhancing the right of individual members to bring forward their particular resolution or bill, as the case may be, double the time and in fact produce nothing, because the gamesmanship - I'm not so sure, Don, whether it's gamesmanship or gamespersonship - but the games that are played now render Private Members' Hour to a very considerable extent ineffective in bringing a matter to a resolution.

With that in mind, I think we should simply refer the matter back to the respective caucuses and discussion between the House Leaders to see if, when we come back, we have a more focused view of what we want to do and where we want to go.

I would, having said that, tend to agree with Mr. Mercier's proposal or suggestion - it's not a formal proposal - of cutting out the Friday, because why leave it there on the Rules when it's not being used and you have to go through the formality of dispensing.

Looking at three times a week, looking at fifteen-minute speakers' limits, looking at a way of bringing a matter to a vote, those things I think is where the focus should be and consideration.

MR. CHAIRMAN: Mr. Fox.

MR. P. FOX: Yes, just briefly. I concur with Mr. Penner and with Mr. Mercier. I think that what we should be looking at is to see whether there are innovative processes any place else that we can adapt to our particular process and, of course, improve our own efficiency.

The real issue is as to whether we are accomplishing anything in Private Members' Hour. There are other issues besides resolutions, which also have to take up the time of the House, and I think that what we should do, as Mr. Penner said, is try to improve the efficiency so we come to some resolution with all the items that we do debate, because if we don't then it is a useless exercise.

HON. A. ANSTETT: Yes, Mr. Chairman, I agree with the suggestions that have been made with respect to Friday.

I think Mr. Mercier's suggestion that a private members' resolution would be debated three hours or three days. The distinction is important; we might say three days, because on one of those days we might have the completion of debate on some other matter, so it could be all of or part of three days.

The time allocation provision for private members' bills could be somewhat different.

The one point on which I would disagree with him would be the suggestion that these rules would require a vote on resolutions and could be amended to require a vote on bills.

I believe Mr. Ransom, at our last meeting, which he attended briefly to explain some of his proposals in detail, suggested that if a vote did not occur during the allocated time period, the measure would die without coming to a vote, that the intent was not to change the principle on which we have operated in the past. In other words, a bill or resolution could still be talked out.

Now, if it's the intent that a bill or resolution would be forced to a vote under these rules, then I would like to know that that is the will of members opposite, or members on this side, so that we can clarify that point, because that wasn't part of Mr. Ransom's explanation of the object of the change.

MR. CHAIRMAN: Order please.

Some of the comments that have been made have to do with matters that are better covered under later sections, and Part (a) really only deals with the number of Private Members' Hour per week. There seems to be no agreement on reducing it to two; there seems to some agreement that some reduction is well possible.

Can we then move on to other matters and the members can bring up other comments under them?

Item (b) has to do with a time limit on debate.

MR. H. ENNS: Mr. Chairman, I think we've discussed the body of these items. We have gone back and forth on all the items listed here. As far as I'm concerned we will be taking back these impressions to our caucuses and will try to have something prepared for the next meeting.

MR. D. SCOTT: I was just going to say that same thing.

HON. A. ANSTETT: If I may recap what I believe Mr. Mercier's suggestions were, so that we have a starting

point for caucus discussions, I believe it was removal of Friday, possibly changing to three days, which would mean there would be one of the four days remaining on which we would not have Private Members' Hour — (Interjection) — sorry, maybe Wednesday — (Interjection) — oh, okay. The suggestion is that we might consider the time allocation for debate to be in the range of either three Private Members' Hours or three hours; and that the length of speaking time be reduced to 15 minutes from 20 minutes; and I believe with regard to (f), although we did not discuss that in any detail, we would still require some rotation of order if the Order Paper were backlogged with Private Members' Hour to ensure that Addresses for Papers and Orders for Returns referred for debate, and public and private bills would still come up.

If that expresses the general thinking, then we can at least go back and see what kind of other ramifications there are on that. I would want to, as well, address the question of the compulsion for a vote at the expiration of the time. Mr. Mercier may want to take that up further with Mr. Ransom as well.

MR. CHAIRMAN: If you're considering a time limit on resolutions, perhaps you'd like to consider whether there should be a separate time limit on any amendments thereto or whether it should be all included, because I can see ways of an amendment coming in right at the end in which you may well bring up matters of interest to members which they want to discuss, yet because you've reached the time limit, a vote must come.

Anything else under this whole topic of Private Members' Hour? If not, has there been sufficient debate for members to defer it and come back with more specific ideas next time? Agreed? (Agreed)

MR. CLERK: Mr. Chairman, from the Government House Leader's recap of the debate and as far as any work on my part other than the survey work of other jurisdictions, there is nothing the committee is expecting of me at the next meeting.

HON. A. ANSTETT: I don't believe we gave you enough instruction . . .

MR. CLERK: That was my view, I wanted to be sure that was the committee's view, too.

8. PROPOSED AMENDMENT TO RULE 10 RESPECTING RINGING OF DIVISION BELLS

MR. CHAIRMAN: Right. On your agenda, can we move to Item 8, having to do with our favourite topic.
Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman. We've had an opportunity to review this. I believe this was raised, Sir, by the Clerk after discussion with you of the possibility of the current rule leading to different interpretations, perhaps in the future, with regard to the language which does not specifically preclude additional time extensions after the Speaker's consultation with the two Whips. I believe the proposed new rule expresses the clarity

that you were concerned about, Sir, and I certainly have no objection in amending our rule of last spring to accommodate that.

MR. CHAIRMAN: Any further discussion? Can we agree?

Mr. Mercier.

MR. G. MERCIER: Good luck.

MR. CHAIRMAN: Item No. 8 agreed?

Can we move on to Item No. 9?

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, if I may, while we're on No. 8, since members opposite are wishing us good luck, and I suspect that that good-luck wish relates to the 15 minute provision, I'm wondering if they are expressing a willingness to change that 15 minutes to a different time period.

MR. CHAIRMAN: . . . silence amounts to assent on that item.

HON. A. ANSTETT: Mr. Chairman, if I may, would there be a willingness to consider a limit of one hour on the part of members opposite?

MR. G. MERCIER: Mr. Chairman, I don't think the rule has been given enough opportunity to be put into practice yet. Perhaps we could observe how things go with this rule.

MR. CHAIRMAN: Is there any suggestion for change? If not, can we move on to Item 9 on your agenda?

9. CONSIDERATION OF POSSIBLE AMENDMENTS TO THE RULES OF THE HOUSE

MR. CHAIRMAN: Background paper No. 7, has to do with Rule 1(2) and the changes made to put a date of 1955 in there, chiefly to allow for the grievance procedure.

Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman, perhaps we could have the Clerk explain the proposed new rule, 21(4), Item 3 on Page 3 of the background paper. I'm not clear on the relationship between 21(4) and sub-rule 27(1).

MR. CLERK: Mr. Chairman, Rule 21(4) as proposed here reads exactly the same as existing 21(4) except for the proposal to delete the reference to a debate on a grievance raised on a motion to go into Committee of Supply or Committee of Ways and Means. The reference in there to sub-rule 27(1), which of course is a motion on a matter of urgent public importance, is already contained in 21(4). The change to 21(4) proposed by these amendments is simply to take out words that relate to a grievance and to transfer them into proposed new sub-rule 26.1(4).

HON. A. ANSTETT: Thank you for that explanation. Item No. 4, flowing on to Page 4, specifically Rule

26.1(3)(b), I would suggest may be unnecessary and the rule can be shortened to combine the introductory phrase and (a), and I would suggest that because I believe that the rule as presently proposed may be interpreted in the future to indicate that a member following another member may not speak to a completely different subject. And I think that the general rule, "shall confine his remarks to one general topic," for a grievance is good enough, and members following can either respond, expand, or choose a completely different subject. And (b) may be interpreted 10 years down the road as having some different intent than what I think we have now.

MR. CHAIRMAN: I think the intent was that a member may reply to another member's grievance, but he may not, at a subsequent date in that Session, bring up a new grievance of his own. So he only speaks once — (Interjection) — on a grievance, whether it's his own or somebody else's.

HON. A. ANSTETT: That's provided in 26.1(2), on the previous page. The bottom line on the previous page.

MR. CHAIRMAN: There was also the matter that if it's a debate on that particular issue, then it should be a debate on that one thing, and not have several members bring up different grievances, and others going back to a previous grievance to speak and it becomes a bit of a mish mash if you do it that way. That was the intent, that if the grievance is to provoke a debate, then it should be a debate on the matter that is brought up and not to go to some other subject by a different member.

If there is a different wording, then fine.

HON. A. ANSTETT: I have a bit of a problem, Mr. Chairman, with that. I think we may, if that is the intent of the rule, be going too far. If the intent of the rule is then to restrict members so that, for example, as is often the case in a grievance, one opposition members speaks; a government minister responds, speaks to the same general topic; another opposition members gets up, could speak to that same general topic or introduce a whole new topic.

There are only certain opportunities for grievances, two things may be topical the same day, or three things. There may be days on which a motion to go into Supply at 3:00 in the afternoon is subjected to grievance debate until 10:00 that evening. It could be on two, three topics, or it could be a number of speakers only on one.

I think in the past - and I know I have raised this matter as House Leader - a concern about how far-ranging these debates are, but we have generally allowed them to be far-ranging as long as they're in one general area.

I think (3)(b) may be interpreted as restricting that. If I were in opposition, I would have some concerns about that restriction.

MR. H. GRAHAM: Why not remove (3) entirely?

HON. R. PENNER: Grievances in a way are, if anything, a better opportunity for an individual member of the House to get something, anything, off his/her chest,

and I think that we would have be careful of anything which appears to restrict that. I think the notion that you can have but one grievance in a Session is right.

I think, and I sense some concurrence in this, why don't we just remove (3) altogether. We've had no trouble with grievances.

MR. D. SCOTT: I was just going to make the same motion as Mr. Penner did.

MR. H. ENNS: I make the same point. We were, on the item just previous to this, expressing our concern for the role of the individual member as an individual member. This is a time-honoured tradition in our House - which by the way hasn't been abused - on checking through the participants it is often the case where relatively few members have, in fact, used this means to express their general grievance, not necessarily topical to a particular subject matter of the day, but their feelings generally about performance or lack of performance of the government.

I would think that by deleting (3), it would allow us to continue the practice that has worked reasonably well.

MR. G. MERCIER: Mr. Chairman, on another subject. By making the change to Rule 1(2), so that the usages and customs of the House of Commons, as at the present time rather than back to 1955, can be followed, could we have some indication as to what that means? What are the effects of doing that, there are 30 years, supposedly, of changes? What effect could that have on the House?

MR. CHAIRMAN: I'll try to get the answer for you. Mr. Scott.

MR. D. SCOTT: On the same topic, something I have a little bit of concern on, is right now what are the Rules that the House of Commons is operating under, because they are on a trial-rule basis? I think that expires this year, so it's difficult. Are the rules that the House of Commons is currently following, the rules preceding - in this interpretation - preceding their voluntary — (Interjection) — No, I'm not speaking of grievance, we're talking about rules in general here, are we not? This is speaking of the whole Rule Book. Right now it's based on 1955, this would take us up-to-date and, at a time when the Federal House is experimenting with new rules, do they then become the rules of this Chamber, or do the rules, as set down, be the ones that were, I guess, formerly accepted prior to the experiment.

HON. R. PENNER: No, the operative words there are "insofar as they may be application to the Assembly," and where we have an operating rule that prevails. It's just in those areas where there's a similar rule and over time interpretations polish the matter and a dispute arises about a rule which is the same in our Assembly as in the Federal Assembly, and you're looking for the current sort of thinking on a particular issue.

I find no difficulty at all with the proposal and I think it makes sense. Certainly it makes a lot more sense than "as in force on July 12th, 1955," so I would support

that. I'm just wondering, in order to bring some order to this discussion, Mr. Chairman, whether we couldn't see what the consensus is, although I thought there was on the removal of 26.1(1) and (3), and then see whether we want to continue the debate on the question raised about, as in force at the time.

HON. A. ANSTETT: I agree with Mr. Penner's comments, Mr. Chairman. I would just point out that all of our usages, customs and precedents come first. It is only when our Assembly has never spoken to the issue in some way, shape or form that we rely on the Federal House.

I would also point out that most House Leaders the last three or four years have not even had, in their possession, a copy of Beauchesne's Fourth Edition, which technically is the reference for June of '55, and all citation to the current Beauchesne runs the risk of being historically inaccurate. For example, the current Beauchesne, Fifth Edition, makes no reference to grievance, because there has been - since we're on that topic as well - no grievance procedure in the Federal House for quite a number of years.

In essence all we are doing here is saying where our rules are silent the practices that have evolved up to the present time will be followed, the Ottawa practices that have evolved, rather than the Ottawa practices fixed in time.

I think that makes sense. The bottom line is we will still be reflecting on Ottawa practice as it's recounted to us in an edition of Beauchesne, rather than constantly referring to the Ottawa Standing Orders, which in most cases are in conflict with our rules, or in many.

MR. H. GRAHAM: Mr. Chairman, I have a little bit of apprehension because, if we adopt this, it does in essence, in my opinion anyway, remove other sources of reference, such as May, Bourinot and what not, because we, by making specific reference to only the House of Commons of Canada, we may, in essence, be removing other jurisdictions from our reference material.

HON. A. ANSTETT: Two points, Mr. Chairman. The current rule says "the usages and customs of the House of Commons as in force on July 12th, 1955." So all we're changing is the date reference. I would point out that the usages and customs of the House of Commons of Canada are summarized in Beauchesne, which is their primary authority, and Citation No. 12 specifically provides for the reference to the other authorities - May, Redlich, Bourinot and Hatsell. So the authority to rely on the same authorities "Parliamentary, Procedure and Precedent" that we have relied on to date is not changed; in fact, this has never really been a problem.

I believe that the Clerk raises the issue more out of concern that in the future references back to 1955 are possible and can confound us in dealing with rule interpretation problems.

MR. CHAIRMAN: One of the problems of that 1955 reference is that Beauchesne's Fourth Edition does carry several references to a grievance procedure which are far stricter than has been the case here, and I think

that the committee wants Beauchesne's Fourth Edition envisages; for example: half a dozen members getting up to raise a matter of grievance. That's where this 3(b) came in, that when one particular member was recognized for a grievance that others wishing to speak to it should be able to do so and once that matter has been dealt with then another member may raise a different matter of grievance which, in itself, may be dealt with.

So that is that particular reference. If it is not needed we won't have it in, but that's why it was there.

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I think that the reference proceeds from a good basic assumption, as proposed under Rule 3, that a matter once dealt with in the House in debate shall not be revived.

However, the matter before the House, which is being dealt with, is that the House resolve itself into a Committee of Supply, and that's really revived every day, and the nature of the debate under that motion could be the same, could be revived once a week under grievance, or every day under grievance until members' rights were exhausted.

I'm not sure that our practice, or our wishes for the future here, would be to limit that, although I have been one who has raised the question about how far afield members go on grievances. Sometimes we get into grievances against federal governments, etc., and I am not sure how productive that is but at the same time to limit that, to try and limit the grievance, would lead to more points of order in the House than anything else.

I suggested to Mr. Penner privately that the topic for all grievances, if we had Rule 3, would be the incompetence of either the opposition or the government under any numerous sub-headings, and that that general topic would permit and admit virtually any form of debate and the revival of debate, so that the rule would be meaningless since the motion is the motion to go into Supply. There is no other substantive motion before the House, so I think we are beating our heads against the wall trying to restrict grievance debate with Rule 3, I don't think it would succeed. I am not sure I would have a great deal of difficulty evading it myself if that were my wish, and I am sure all members could debate it under that suggested heading.

MR. H. ENNS: Mr. Chairman, I simply indicate to the committee that we really don't feel any need for substantive revision to the grievance procedure. My caucus would have difficulty in accepting it.

HON. A. ANSTETT: Accepting what?

MR. H. ENNS: Any restrictions.

HON. A. ANSTETT: But you can live with 1, 2 and 4 then.

MR. CHAIRMAN: Do I then hear general agreement with the proposal with the exception of Item 3 which should be deleted? (Agreed) Agreed and so ordered.

Nothing further on that matter. We then move to Item 10.

**10. CONSIDERATION OF A PROPOSED
POLICY
RESPECTING THE CORRECTION OF
PRINTING ERRORS
IN THE ANNUAL STATUTES (bound
volumes)**

MR. CHAIRMAN: Item No. 10, having to do with a problem of possible errors in the statutes of the year. The background material has not yet been concluded. Can we defer that issue until the next meeting? Agreed? Mr. Anstett.

HON. A. ANSTETT: If I may, Mr. Chairman. I think it might be of benefit, particularly for members opposite and members on our side who are not familiar with the specifics of one particular problem, to review the genesis of the agenda item so that some thought can be given to it prior to the next meeting. I think the background documentation will basically only outline the problem and give some history as to how often it has occurred. But what has happened in the past, on a number of occasions - and to be quite honest I wasn't aware of it until quite recently - is that the House has been asked to correct errors in this volume of the statutes - not this specific one but the printed annual statutes which are usually bound in red. Those errors are errors in only this volume, and then are subsequently reflected in the continuing consolidation of the statutes, the tartan-bound volume, or in any printed version published by departments or agencies for their own use in internal or public distribution because this is considered the gospel by the legal fraternity and by the bureaucracy.

The problem is that the blue bill, which is actually passed by the House and signed by the Committee Chairperson, and by the Clerk, and by the Lieutenant-Governor, is the ultimate legal authority and in some cases the Journals contribute to that authority because, where we go through a Report Stage amendment, the actual wording of the law is contained in the Journals itself.

What has happened in the past has been that The Statute Law Amendment Act has had contained in it corrections to this volume, even though the blue bill was correct. This matter was raised with me and I express some concern about whether or not the Assembly should be asked to correct an error in the preparation of the annual volume when it passed its original blue bill correctly.

I discussed this with the Attorney-General and one of the suggestions he has made, and there may be more that come out of the background paper as to how we should deal with this, is that perhaps the correction can be published in the Gazette when Legislative Counsel, or the Clerk's Office, are aware of it under the authority of the Clerk of the Assembly when he has ascertained that there is a difference, and a correction setting out that can be made.

The other alternative is to continue with the present procedure, which is to allow a statute law amendment provision to set right what is viewed publicly as the official version of the law, but internally is really only a copy of the blue bill.

The other thing which can be done is to just require a change in the next annual volume making the

correction. The problem of course is, since generally the red volume is the authoritative version publicly, how do you communicate that change.

The particular instance which was brought to my attention relates to The Election Finances Act, because that was recently proclaimed - that's how it came to my attention in the fall - and in that case the error that is in the red volume is an error which is in a section which was amended in Report Stage, so was also contained in the Journals in its correct form, as well as in the blue bill, but the red volume is different. It turns out the error is only in the English version; the French version is correct. So there are complications here, so I wanted members to be aware of it.

I don't know what the answer is, Mr. Chairman, although I can see from a staff point of view it would be desirable to have it corrected clearly so that the signal went out to anyone who relied on it in the right fashion. From the House's point of view I find it somewhat difficult to agree that the House should be correcting something that it did correctly in the first instance. I don't know what options are going to be presented in the background paper, but I thought members should be aware of the problem so that we can address this as either policy or a rules change before the beginning of the next Session so that whatever changes we make - we have some other rules changes which we, hopefully, will report to the House as soon as it reconvenes so that we can begin operating under those changes. We should address this problem because I believe there are two or three that must be resolved this Session that are of the same character.

MR. CHAIRMAN: Why is this before the Rules Committee, rather than before the Commission as an administrative problem? I don't see why it's a rule change.

Mr. Anstett.

HON. A. ANSTETT: I believe, Mr. Chairman, that this may require a rules change to provide to the Clerk the authority to rectify differences between the blue bill and the published annual statute, so that the Clerk would then have the authority to publish in the Gazette a notice of the correction to the annual volume. If we chose that option, I believe, it would require a Rules change.

HON. R. PENNER: Mr. Anstett has made one of my points. I think we do have to have the authority somewhere for what I believe is the proper procedure, and if we agree as to what the proper procedure is then I think we better make sure the authority is provided in some correct legislative form. It may be that there are other ways of doing it besides a rule and we might have Legislative Counsel, since we're going to adjourn final consideration of this, and look at that together with the Clerk of the House.

But here is the point, the House has done something correctly and the blue version has been certified by the Clerk, and the Lieutenant-Governor, and there it is. It's like the old roles of the Commons in a way and the House is, in a sense, functus, it can no longer deal with something that's fact, except by amending it; but when it appears in the statute law amendment we're

not amending that bill, we're purporting to correct - the House has to deal with a printer's error or somebody's error - and what happens, or what theoretically can happen, is that because of the practice that we follow - which I think is the wrong practice - you have it in the statute law amendment - we're not really amending the bill because the bill is correct - and something that is finished and done with is open for debate. You could have, because of an attempt to use that procedure, to correct an error, a new debate on the substance of the bill. It's wrong.

MR. P. FOX: It is not an amendment.

HON. R. PENNER: Yes, it's not truly an amendment; it's not truly an amendment.

MR. CHAIRMAN: That's why it's really not a matter of the Rules.

HON. R. PENNER: As to the way in which we accomplish the goal, other than the way in which we are now doing it, I'm content to leave it for another meeting of this body on the assumption that this body will meet before the the next Session begins so that the Chief Legislative Counsel and Clerk can bring great wisdom, together with yourself, of course, Mr. Chairman.

MR. CHAIRMAN: Well, I don't provide the great wisdom . . .

HON. R. PENNER: I know, but you can be a referee.

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: It seems to me, Mr. Chairman, if there is really no error in the first place any attempt at correcting that error would be lunacy, therefore, it counts for nothing.

HON. R. PENNER: Except we have to bring it to the attention in some form to the legal public, even the judges use this. If you had a rule that did it in such and such a way and it's gazetted, then there it is.

MR. C. SANTOS: Then the only appropriate place is the official gazette, The Manitoba Gazette, that's the official publication of what is the official act of the government.

HON. R. PENNER: But who provides the authority to have it gazetted?

MR. P. FOX: Yes, you've got to give authority to somebody.

MR. C. SANTOS: Give authority to someone like the Clerk.

A MEMBER: Well, that's what we're saying.

MR. P. FOX: It's all right, I was just repeating.

MR. CHAIRMAN: Now that we've been apprised of the problem can we leave our experts to come back

with a way of resolving it and deal with it at a later meeting? Agreed? (Agreed). Mark that deferred.

11. OTHER BUSINESS

MR. CHAIRMAN: Item 11, is there any further business to come before the committee? Hearing none, Item No. 12.

12. TIME AND DATE OF NEXT MEETING

MR. CHAIRMAN: When do you wish to meet again? Mr. Enns.

MR. H. ENNS: I wonder if we couldn't facilitate the committee members if we agree to have the next meeting of the Rules Committee meet a day before the resumption of the House.

HON. A. ANSTETT: Mr. Chairman, I appreciate the sincerity of the member's suggestion to facilitate members. I must point out, however, that the day before the opening of the next Session will probably be a day set aside for proroguing of the present Session.

MR. H. ENNS: I don't quibble with details, just as long as the next Rules Committee meeting is a day before we have to do that.

HON. A. ANSTETT: I suggest, Mr. Chairman, that we may require more than one meeting. We will have a couple of items here that require some detail with regard to Rules changes, and we would want all of that in our report to the House. If I can suggest Tuesday, the 12th; Monday, the 11th.

HON. R. PENNER: Monday, the 11th.

MR. D. SCOTT: Monday is a caucus day, too.

HON. A. ANSTETT: Yes, it is, yes. Mr. Chairman, I believe there may be some items which come out of today's meeting which members, after receiving information from the Clerk, may wish to take to their caucuses. We do have a caucus meeting scheduled for the 11th; perhaps Tuesday, the 12th, would be more suitable in that regard.

MR. H. ENNS: February 12th, Tuesday.

HON. A. ANSTETT: February 12th, Tuesday, 10:00 a.m.

MR. CHAIRMAN: Before you set a date, Mr. Anstett, you advised me that you would be available for a Commission meeting on the 12th of February.

HON. A. ANSTETT: I did?

MR. CHAIRMAN: A Thursday.

HON. A. ANSTETT: A Thursday?

MR. CHAIRMAN: Yes.

HON. A. ANSTETT: Well, obviously I'll be available on Thursday the 14th then. It's not in my diary, Mr.

Chairman. Is it your intention to have the Commission meeting on Tuesday, the 12th?

MR. CHAIRMAN: I haven't yet heard from Mr. Enns on a suitable date, but I always try to fix those meetings about a couple of weeks apart or so.

HON. A. ANSTETT: Mr. Chairman, if Mr. Enns is agreeable maybe we can set aside both Tuesday and Thursday of that week and have the Commission meeting on one day and the Rules Committee on the other. Any preference, Mr. Enns, as to which is which?

MR. CHAIRMAN: For administrative reasons, and for getting the necessary papers and background things, it is usually better to separate them by . . .

MR. H. ENNS: For a suggestion then we stay with Rules on the 12th, and I'll give you the date of the 14th then for the Commission hearing.

MR. CHAIRMAN: 10 o'clock for the Rules, Tuesday, the 12th.

MR. H. GRAHAM: I would move we adjourn.

MR. CHAIRMAN: I suggested 2 o'clock for that date.

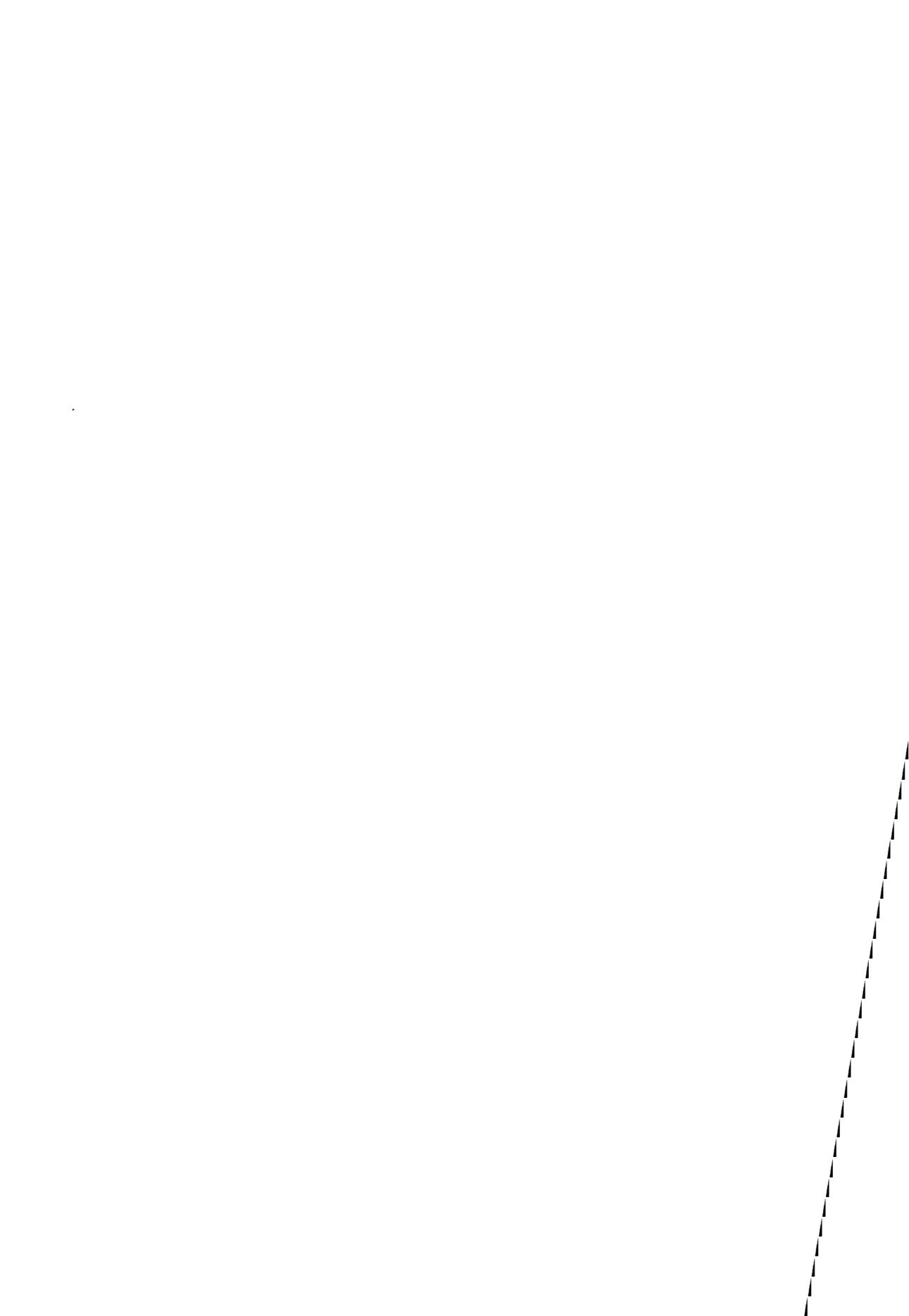
MR. H. ENNS: Both at 10 o'clock in the morning?

MR. CHAIRMAN: Yes.


MR. H. ENNS: Both days.

MR. CHAIRMAN: There being nothing else to come before the meeting, meeting adjourned.

COMMITTEE ROSE AT: 12:03 P.M.



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