



Second Session - Thirty-Seventh Legislature

of the

**Legislative Assembly of Manitoba**

**Standing Committee**

on

**Rules of the House**

*Chairperson*

*Mr. George Hickes*

*Constituency of Point Douglas*



Vol. LI No.1 - 6:30 p.m., Monday, May 14, 2001

ISSN 0715-2914

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

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

**Monday, May 14, 2001**

**TIME – 6:30 p.m.**

honourable Member for Wellington, Mr. Santos, has declined?

**LOCATION –Winnipeg, Manitoba**

**An Honourable Member:** Accepts.

**CHAIRPERSON – Hon. Mr. George Hickes (Point Douglas)**

**Mr. Chairperson:** No, he accepts. Any other nominations? Mr. Santos is appointed Vice-Chairperson.

**VICE-CHAIRPERSON – Mr. Conrad Santos (Wellington)**

**ATTENDANCE - 10 – QUORUM - 6**

*Members of the Committee present:*

Honourable Messrs. Ashton, Hickes, Mackintosh

Mrs. Dacquay, Messrs. Derkach, Dewar, Ms. Korzeniowski, Messrs. Laurendeau, Martindale, Santos

Prior to commencement, committee members will find before them a copy of a document dated May 14, 2001, entitled Proposed Rules Changes. This is a document that we will be considering this evening. We also have copies of the current rule book on the table beside me if anyone wishes to use one for reference.

How does the committee wish to proceed? Shall we follow through the Proposed Rules Changes package, calling each item individually for comment or questions or amendment?  
*[Agreed]*

**APPEARING:**

Ms. Patricia Chaychuk, Clerk of the Legislative Assembly

Does the committee wish to have a brief explanation by the Clerk pertaining to each of the amendments?

**MATTERS UNDER DISCUSSION:**

Proposed Amendments to the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba.

**An Honourable Member:** Good idea.

**Mr. Chairperson:** Good idea. Agreed.

\* \* \*

**Mr. Chairperson:** Good evening. Will the Standing Committee on Rules of the House please come to order. The first order of business before the committee is the election of a vice-chairperson. Are there any nominations?

**Mr. Leonard Derkach (Russell):** Can we have an explanation on each one of these by the Speaker himself?

**Mr. Chairperson:** By unanimous agreement and request, Ms. Chaychuk was asked to be brought forward for her expertise and as an adviser, and I would hate to take anyone's responsibility away from them.

**Mr. Gregory Dewar (Selkirk):** I nominate the Member for Wellington, Mr. Santos.

**An Honourable Member:** After explaining it so well, Sir, I agree with you.

**Mr. Chairperson:** The honourable Member for Wellington has been nominated, and the

**Mr. Chairperson:** It has been agreed then that Ms. Chaychuk will be the adviser.

Prior to consideration of the rules amendments, did the House leaders wish to make any opening comments?

\* (18:40)

**Hon. Gord Mackintosh (Government House Leader):** To put this on the record, there have been some ongoing discussions involving the three parties represented in the House for some time, and the proposal being considered tonight as a result of those ongoing discussions. I presume, and I know, that ongoing discussions will take place about the rules beyond these. I think that it is fair to say that some particular themes have emerged, one being the effective or efficient use of House time, modernizing of that; as well, I know an interest in having Legislature sit at times of the year different than has started to evolve in terms of summers and the Christmas season. I think that there appears to be a consensus, but I think there will be some discussion on particular wordings as we proceed tonight. It is my understanding, but I think the Opposition can certainly speak for themselves on this.

**Mr. Marcel Laurendeau (Opposition House Leader):** We have had some interesting discussions over the past month or so, or two months, on these changes. The House Leader is correct that this is going to lead to a better use of our time. We are hoping that it also leads to a more open discussion on the rules in the future so that other changes can be made. We are looking forward to having the Rules Committee being called a little more often than it has in the past, preferably on a yearly basis, so we can do an actual review and see how things are working and see how we can improve our time to better serve Manitobans.

I think we have to make sure that the time we have here in the Legislature is exactly that, and that is so that we can best serve the people of Manitoba. In some cases, some of the rules that were in place actually were a bit of a deterrent because we, as politicians, tended to live up to the whole intent, not necessarily what was useful.

I am looking forward to moving through each one of these on an individual basis. We

might have some questions on certain lines, but we are prepared at this time to move ahead.

**Mr. Chairperson:** I would like to thank both House leaders for their comments. Now we will proceed with the proposed amendments to the Rules. We will start off with 2.1.

**Madam Clerk (Patricia Chaychuk):** This rule was modified to add a sub to the existing rule to indicate that the Assembly would not sit during the week in March that has been designated as the spring break for the public school system. We have left it as such because it may vary from year to year.

**Mr. Chairperson:** Agreed? [*Agreed*] 2.3(a).

**Madam Clerk:** The whole series of rules added for fall sittings was to add a provision in place to indicate that the House would sit in the fall period for a minimum of 12 sitting days without designating that it has to take place in any particular month. There is a provision that, if there is a new session, in 2.3(b), if a new session is commencing in the fall, the Speaker would have to adjourn by the first full week in December. If the fall sittings are a continuation of an existing session, then that 2.3(b) would not apply because 2.3(b) is if we are starting a new session only.

2.3(d) has been added in the event that if there is a provincial election, then these provisions would not be in place for the first session after a provincial election.

2.3(e), a provision has been added to give the Government House Leader the power to interrupt the Throne Speech debate for up to three days to call government business. However, Mr. Chair, this does not affect the eight days of debate that we would have on the Throne Speech. It would be interrupted, but whenever we resumed it, it would still be continuing for eight days.

**Mr. Mackintosh:** This section is obviously of particular concern, recognizing that no matter what side of the House you are on today, the history of Manitoba has laid out that the parties in Manitoba share experiences on government and opposition benches. I think that everyone

has been cognizant of that reality in the discussions clearly.

This rule, of course, significantly alters the scope of the rules, because now, for the first time in Manitoba, the Rules are requiring the Government to come back into session at a particular time of year. So it is, by its very nature, of course, taking away the discretion on the part of the Government as to when it calls its session. So that has to be remarked on. This is quite historic, certainly in this province, although I know some other jurisdictions have gone to fixed calendars.

Further than that, though, what it does is it attempts to move the fall sittings to what I think the Opposition would classify as prime time, trying to get the session away from Christmas, at the same time recognizing that the rules cannot shut a session down. I think that was attempted in the last provisional rules. When the session is ending, I think that conventional wisdom dictates that indeed it is the Opposition that determines when a session ends. So that was some of the thinking that went into this.

\* (18:50)

Just later, in fact today, what we wanted to see in there was the ability of government, without asking for leave, to get bills to committee during the course of the Throne Speech debate, recognizing that, of course, the 12 days is a minimum.

There is also, now, a new requirement of government not only to have the sessional calendar in the fall, whether at the conclusion or the beginning of a session, but the way the rule is designed, trying to keep it away from Christmas. But, as well, it does put in there the minimum number of days, and so there has to be some legislative scheduling and preparation of bills for this.

So I understand the clear benefit to the Opposition here and at the same time the responsibilities on the Government. So that goes in there with some checks and balances, recognizing that if, for example, there were an election in November, this rule would be unworkable. I mean, this is one example where

we will have to see how this works. We are prepared to try this, recognizing that I think there has been some development towards recognizing fall sittings, but it usually has been restricted to emergency bills and the Throne Speech. As well, it tends to be backed into December.

**Mr. Derkach:** Mr. Chair, this rule, I think, is one that was formerly pressed by the members on the opposite side when they were in opposition. I recall many times the Leader of the then-Opposition insisting that the government of the day come in with a fall sitting.

There really is nothing wrong with it, but I believe that the critical part here is that we adjourn in that first week in December because during that time there is always a series of Christmas events that MLAs should be present at. I think this is just a practical way of looking at how we can accommodate both a fall sitting, and then being with constituents during that month of December when there are a lot of Christmas celebrations on.

My House Leader has explained 2.3(b) and 2.3(c). It is my understanding here that if that is a continuation of an existing session, then it is really the Opposition who has the decision-making ability to adjourn the House in December or before the first week in December.

**Hon. Steve Ashton (Minister of Transportation and Government Services):** The only thing I wanted to add, and I think this is similar to some of the discussions that have taken place in the past, is it allows for a fall sitting to evolve into something that may or may not involve legislation. By allowing the block, the time to be taken up, it just gives governments, the Opposition, to bring in legislation; obviously, it then depends on the Opposition's willingness to pass it. But it does set up more of a role for fall sitting than the Throne Speech if that is agreeable between the Government and the Opposition.

It certainly does, I think, as our House Leader has said, open up the fall for public scrutiny, public discussion, and I think, if there is one element of this package that is probably fairly appropriate, it is that it does involve an additional dimension here of accountability and

a different type of debate in the Legislature, which is something I have been striving for for the last number of decades. I think this one has taken a little bit less time in negotiations than some of the previous rounds. So I think it is commendable here that it has shown this amount of progress.

**Mr. Chairperson:** 2.3(a)–pass; 2.3(b)–pass; 2.3(c)–pass. Shall 2.3(d) pass?

**Mr. Derkach:** I ask that we not pass these until we have been through all of them, because, although we are passing some of these, we may end up with a snarl at the end where we should have the ability to either pass it all or not pass any of it.

**Mr. Chairperson:** Is it the will of the committee to have Ms. Chaychuk go through each one of the items as we have been and to save until the end to vote upon? *[Agreed]*

**Mr. Laurendeau:** That would also give the staff, if we do have any slight amendments, an opportunity to dress it up before we get to the actual passing stage.

**Mr. Chairperson:** We have already passed 2.3(a), 2.3(b), 2.3(c). That is okay? *[Agreed]* 3.3.

**Madam Clerk:** 3.4(1), the adjournment on Thursdays during Committee of Supply, is to accommodate a section where it comes later on in the Rules to have Committee of Supply meeting on Friday mornings. What we would do is similar to what happened in 1996. We would recess overnight without adjourning the House, have the House sit in Committee of Supply on Friday, and then on Friday, at the adjournment hour, adjourn the House so that Friday is considered to be part of Thursday's sitting.

**Mr. Chairperson:** 3.3, are there any questions or comments on 3.3? *[interjection]* Could we take a two-minute recess so we can make extra copies? There is a page missing here.

**Mr. Derkach:** While the copies are being made, can we move along with 3.4(1), et cetera?

**Mr. Chairperson:** Is that agreed? We will continue on; we will revert back to the pages missing.

**Mrs. Louise Dacquay (Seine River):** Just for clarification, I think it is just numbering, is it not? Clause numbering.

**An Honourable Member:** We will see when it comes back.

**Mrs. Dacquay:** Well, the explanation she just gave us is 3.4(1).

**An Honourable Member:** But he has a 3.3 on another page. We are numbered 1, 2; we have not missed a page, unless Gord is going by the old sheet. Are you going by the old sheet? *[interjection]*

**Mr. Laurendeau:** Can we just get the whole file all reprinted then, with the proper numbering on it so we all have the same sheets that we are working from? We are starting to run from two separate books here. Yours are numbered differently than ours. So, if we could have all the same numbers in front of us—*[interjection]*—that is right. It would make it a lot simpler.

\* (19:00)

**Mr. Chairperson:** 3.3.

**Madam Clerk:** The change in 3.3 just identifies that on Thursday mornings we would be considering Private Members' Business when we are not considering the Address in Reply to the Speech from the Throne or the Budget debate.

**Mr. Mackintosh:** Okay, the only question there was—we are going to have two separate hours, is that later on?

**An Honourable Member:** That is later on.

**Mr. Mackintosh:** Oh, it is down here, 22.3.

**Madam Clerk:** Yes, I was just going to identify that that comes later on in 22.3.

**Mr. Chairperson:** So any comments or questions on 3.3?

**An Honourable Member:** No, none.

**Mr. Chairperson:** 3.4(1).

**Madam Clerk:** 3.4(1), as I explained a few minutes ago, is to allow the House to sit in consideration of Committee of Supply on Friday in that we would recess at the end of the day on Thursday, come back to the same sitting of the House, even though it is a different calendar day on Friday, have Committee of Supply meet, and then adjourn Thursday's sitting on Friday at 12:30.

**Mr. Mackintosh:** The words "will normally," I think, can only cause some difficulties later on. I would just use the word "shall," and otherwise it is by agreement anyway. The Speaker shall adjourn the Thursday sitting on Friday at 12:30, because "normally" just—

**Mr. Chairperson:** Is it the will of the committee to change "will" to "shall"?

**An Honourable Member:** Take out the word "normally" as well.

**Mr. Chairperson:** 3.4(1) will read: Once consideration of department of Estimates has begun, the Speaker shall adjourn the Thursday sitting on Friday at 12:30 p.m. to accommodate the sittings of the Committee of Supply on Friday morning. Is that the wording that the committee would like? *[Agreed]* 3.5.

**Madam Clerk:** 3.5 adds that when we are sitting on Friday for consideration of Supply, when we are adjourned, we are adjourned over the weekend, because currently we only sit Fridays during Throne and Budget speech, and this takes the Estimates sitting into consideration for that adjournment.

**Mr. Chairperson:** Are there any comments or questions on 3.5?

**An Honourable Member:** No, none.

**Mr. Chairperson:** 22.2.

**Madam Clerk:** We are doing a combination in 22.2 because of the way that the rule is presently drafted in the rule book to indicate that, with report stage, we have a designation for amendments, and also to indicate that concurrence and third reading can be combined in one step if there are no amendments. In the (b) part, we are

indicating that Private Members' Business now takes place between 10 a.m. and 12 p.m. on Thursday mornings instead of the daily between five and six o'clock.

**Mr. Chairperson:** Any questions or comments on 22.2?

**Mr. Mackintosh:** I did not think I would be speaking as much as this, but I just wanted to confirm that this jibes with what is in our current rule 22 and how Private Members' Business is set out for each day of the week. Currently, clearly, we have different kinds of Private Members' Business depending on whether it is Monday, Tuesday, Wednesday or Thursday.

It does say there in 22.3 that it shall consist of two separate periods, but what periods?

**Madam Clerk:** This is the drafting that we had taken from 1996, where it indicated that it would follow a rotation. But, if you want a specific rotation laid out, we could certainly clarify that.

**Mrs. Dacquay:** Are we moving to 22.3?

**Mr. Chairperson:** We are still on 22.2. Any further comments or questions, 22.2?

**Mrs. Dacquay:** I do have a question. Report stage amendments. I do not understand why that is worded the way it is. I had it explained to me that the intent of that was to eliminate one report stage once the bill returns back to the Chamber. Is that correct?

**Madam Clerk:** There is actually a two-step process, in a sense. If there are no report stage amendments, then you would have concurrence in third reading combined into one, but if members file report stage amendments, which they still have the ability to do, then that would be called separately because you have to deal with the amendments first, and then go on to combined report stage and third reading.

**Mr. Mackintosh:** Well, on 22.2, in the proposed new rule category, it says Monday, private members' resolutions, and so on, et cetera. Does that not all come out now because we only have private members' hour on Thursdays, and so we have two categories? Is that right?

**Mr. Chairperson:** Ms. Chaychuk to respond, and then I have Louise, and then Marcel.

**Madam Clerk:** Yes, that would need to be changed because, according to the current (b), we have a Monday, Tuesday, Wednesday, Thursday rotation. We needed a sense from the committee if you wanted to adopt one or two of these rotations, or if there is any other rotation that you wanted to follow.

**Mrs. Dacquay:** I am just questioning why we need that to identify the two categories. If you are going to go on a rotation basis, you do not need to identify what you are going to do on Monday, Tuesday, Wednesday, because Thursday is going to be the only day that you are going to be dealing with Private Members' Business. My question is: Why are you spelling out the example here? We all know it is going to be 10 to 12 on Thursday mornings. Then you have Monday, which is irrelevant now, because we are no longer intending to deal with Private Members' Business on any other day than Thursday. Of course, anything is possible by consensus.

**Madam Clerk:** We would be very happy to change it, but what we would need from the committee is an indication of which rotation you wanted to follow on Thursday morning for the first hour and for the second hour. If you look at the current rule now, we have a different sequence for Monday, Tuesday, Wednesday.

**Mr. Laurendeau:** We had it in the last time we made the changes. I hate saying the year, but we had it well spelled out in those rules exactly what the rotation would be. I would like to see this—

**An Honourable Member:** Original provisionals.

**Mr. Laurendeau:** You remember the original provisionals? We had that well explained then what the rotation would be. I do not think we have to complicate this. C'est pas compliqué, like the Prime Minister would say. If we just go in rotation, what do we have to deal with—the private members' resolutions, private bills, public bills? It is resolutions and bills. As far as I am concerned, we can just have the Speaker

recognize the member, and see if there is a bill for the first one. If there is a bill for the first one, we will deal with the bill. If there is no bill for the first one, we go into private members' resolutions. The second one becomes a private member's resolution automatically. I think that makes it clean. It is a simple process.

**Madam Clerk:** There is also the category of Orders for Return and Addresses for Paper, which is rarely used, but is still in the Rules for members who want to file those items.

**Mr. Ashton:** I think the key question here is whether you want to structure this as the equivalent of two separate private members' hours because, presumably, if you had bills first, bills could then become the entire two hours. My understanding is that the intent was to have two separate hours, in which case that could be accomplished, Mr. Chair, by simply having Private Members' Business 10 o'clock to 11 o'clock, and then list bills and other items first. The second, you list resolutions ahead of bills. You just kind of take the mirror image, and I think that would accomplish the intent. I think that it is important, too, to keep two separate rotations so that you are going to get at least two resolutions per week, or debate on bills as one and debate on resolutions as another.

**Mr. Mackintosh:** Yes, I think that is the way to go and that is clear. So hour No. 1 is bills and orders, and then hour No. 2 is resolutions. The only question is, I do not know how we deal with public versus private bills, because some of the private bills are really important and should have the ability to get called. I am just not sure if—I mean, the experience has not been a lot of volume here. I just wonder if we should take a moment to think about how we could ensure that private bills—maybe private bills should go first. Private bills and then public bills and then orders from 10 to 11 and then resolutions from 11 to 12. Oh, but you go to resolutions, though, if there are no bills, right?—in the first hour. Well, there you go. At least we preserve the ability for a member to move the private bill, which is usually going to be for people in the community, right?

**Mrs. Dacquay:** I was just going to basically suggest what Gord has said now. We

automatically do bills, call them, the Speaker does, and then we go to resolutions. There are always 10 times more resolutions than private members' bills, No. 1; and No. 2, we do not want to bind ourselves so that we do not have the flexibility, if there are no bills, of being able to do two different private members' resolutions, one in each hour.

So I was just going to suggest that perhaps the way to change the wording in 22.3—under 22(b), you could put Private Members' Business, and then No. 1, No. 2, No. 3, No. 4, according to how we have it now in terms of our current rule for categories, and then in the last paragraph, so that we do not tie our hands, each one considering a different bill/private member's bill/resolution.

**Mr. Laurendeau:** I think we are on the right track. I think Patricia has caught the drift of where we are headed; I think if she could bring that back after we are done moving through these. My only question there is: Why do we have Monday listed in there?

**An Honourable Member:** No, no, that is coming out.

**Mr. Laurendeau:** That is coming out? Okay.

**Mr. Chairperson:** Are there any other comments for 22.2?

**Mr. Mackintosh:** I think we are going to trust the Clerk to come up with that. I think there is some clear direction—and consensus—there now as to how we could set out those two hours. My thinking now is—I noticed that in sub (3) on page 14 of the Rules it says: "When division is requested during Private Members' Hour, the division shall be deferred to the next Private Members' Hour. . . ." That is because of the 5:30, the 6, you know, having a division at six o'clock at night, and I guess we put that in there because of quorum issues and getting our members back at six o'clock in the evening. That does not seem to be quite as consistent now. I mean, if you have a vote requested between 10 and 11, why should you have to wait until 11 o'clock? At least have your vote Thursday morning.  
*[interjection]*

**Mr. Chairperson:** Order, for a second. We have to get recognized, so we can have it recorded.

\* (19:10)

**Mrs. Dacquay:** Well, in response to Gord's concern, I thought the Speaker did not have the ability, or the members, to move from one category, if that is what we want to call them, to another without completely dealing with the first one.

**Madam Clerk:** What could, in theory, happen is that, if you debate a resolution, if you hit a resolution between 10 and 11, when you hit 11 o'clock without voting on it, it would drop to the bottom of the list that way. But I think Mr. Mackintosh has a good point in terms of deferral, rule deferral, voting deferral. If that is something that you do not see as being practical now, since you are doing Private Members' Business on Thursday mornings, that is something you could ask to be dispensed with.

**Mr. Ashton:** I think some of this can be deferred to any ongoing reviews. In a sense, that part of the real question here is whether we are going to eventually have meaningful votes on resolutions, which in some of the original drafts, the rules reform, was the case.

Short of that, I think there are really a couple of options. One is what our House Leader suggested, largely because the rationale for what is taking place here is shifting now. We are not going to have the sitting end at 12 o'clock, which is basically in the middle of the sitting day. The real question is whether you want to—and I am just thinking if there were a procedural vote called at one minute to 12 o'clock, the real option then becomes do you ring the bells at that time, do you schedule it maybe at a set time after Question Period? We have had a couple of different versions back and forth in that case. I think the House Leader's point is that it should reflect the reality of the new rules, not echo previous practice.

Once again, this is strictly going to be on procedural items. It is very rare we get a vote on a substantive vote. So it is really a question of when you want to deal with those procedural items.

**Mr. Mackintosh:** It is a good point, though, about having a noon division. That is a problem for anyone that is trying to conduct public business around here. Maybe what we should just say here is just leave that rule in there. It shall be deferred to the next private members' hour. It will all work.

**Mr. Laurendeau:** That is exactly what I was going to say, the reason being, if there is a division or something that happens in private members' hour, it should be dealt with during private members' hour. If you are going to have a bell ringing, let us not take up the rest of the day. Let us use it in our next Thursday's private members' hour. So that rule actually flows well with that. Let us leave the rule there, and that is to make sure that private members' hour interferes with private members' hour, not with the rest of our House.

**An Honourable Member:** Agreed.

**Mr. Derkach:** Agreed. It has been said.

**Mr. Ashton:** I hate to be a nitpicker here, but then the next question is: When do you have that vote? Do you ring the bells as some sort of a warning in that case? Do you ring the bells? The bells are normally going to ring at 5 to 10 anyway. Is there some way of getting on the Notice that there is a vote? It seems to me the option then would be either 10, 11, or 12—sort of natural dividing times. I only throw that out because I can just see if you have a vote right at 10 and people are coming in, you have the prayer and you go straight to a vote. The question is: Are people in the Chamber? I tend to think you need a little bit of time to allow people to filter in during a session. So either 11 or even 12 might be a possibility, at the tail end.

I also throw the point out, too, that you are going to run into some problems where it is a procedural matter. What, for example, if it is a question on the admissibility of a motion? Someone then challenges the ruling on that nature, and this occurs at quarter after 10. Do you wait until the next period? Do you wait until the next week?

**Mr. Laurendeau:** I think we do wait until the next period. I think you need that time to gather

your thoughts. It also becomes the first order of business according to the rule. The rule clearly says it is deferred until the next private members' time. It will state that it is actually the first order of business. So, yes, the vote would occur as first order of business when you got back to your next private members' hour, which could be 10 o'clock in the morning the following Thursday. I do not think we would even want to change the rule. Let us try it. Let us see how it works.

**An Honourable Member:** Right. It is provisional for a year.

**Mr. Laurendeau:** It is provisional for a year. We will see how it works. If it does not work, we can iron it out. I do not foresee any major problems. We have not had a problem in the past, so why should we have one now? The rule has always been there, Steve.

**Mr. Mackintosh:** The only question remaining in my mind is: If there is a vote requested at 10:30, does the division take place at 11 or does it go to the next Thursday?

**An Honourable Member:** Next Thursday.

**Mr. Mackintosh:** Okay. So then there is a problem with the wording. It says there shall be a deferral to the next private members' hour. I think what we mean is next private members' Thursday.

**An Honourable Member:** The next private members' Thursday. It would have to be changed. Yes, you are correct; the wording would have to be changed.

**Mr. Mackintosh:** So we are all of one mind on that.

**Mr. Ashton:** I hate to do this again, but I mean one of the questions that is going to come up, if you have a private members' resolution and there is a challenge at 10:15 to one Thursday, what will then happen to that resolution? Will it remain in its place on the Order Paper on the following Thursday? Will it remain in its place for the remaining 45 minutes of debate? This is where there could be some advantage to having votes taking place later on that morning, either at 11 or at 12.

The other option, quite frankly, would be, if you have a vote called, to extend the vote over until the second period which you are dealing with. I just want you to know we have to clear up the minimum regardless of some of the stuff that could flow back and forth. What is going to happen to that resolution if at 10:15 there is a vote called?

**Mr. Derkach:** Mr. Chair, this is all meant to be provisional for a year, and if we follow the recommendations that we have heard from the House Leaders that we would simply take it to the next Thursday rather than the next period or the next hour, you do not lose the position on the Order Paper. Then, if, in fact, there were a vote, say, at 11:30, you would do the same thing. You would take it over to the next Thursday, as I understand it.

**An Honourable Member:** As the first order of business.

**Mr. Chairperson:** Any other comments?

**Mr. Laurendeau:** Steve, I am trying to remember how we did this, but there were times we did not use up our full hour under the provisional rules. We used to move into the second hour, and we would actually end early because of it. If we completed the first resolution in half an hour, we moved into the second hour, and it actually only took one hour—

**An Honourable Member:** By leave.

**Mr. Laurendeau:** By leave. So I mean we can do a lot of things by leave. I think if we leave it to do it the same way we did under the provisionals, I do not think we will run into a problem.

**Mr. Ashton:** I am just a little bit concerned about having to vote right at 10 o'clock when people come in—when you have the normal ring of the bells. There is usually a transition period of at least a few minutes where people are filtering into their seats. So I could just foresee some problems about who—

**An Honourable Member:** You have a week's notice.

**Mr. Derkach:** I think, in that event, members would have had a week of notice. So if they are

tardy on that particular day, I guess they will have to suffer the consequences.

**Mrs. Dacquay:** Well, even though I am there most days on time, I am sympathizing with Steve, but I think it is easily corrected. We could have the bells ring for 30 seconds or whatever. So surely people would recognize that that is a vote, Steve, after we have done the prayer.

**Mr. Ashton:** One way to do that would be to ring the bells for longer than the five minutes prior to—five minutes is the normal notice for coming into a session. You could signal a vote by having the bells ring for an hour before. It would make a racket in the building. The reality is even if it is on, most people, when do they get their Order Papers?—when you walk into the House that morning. I am just thinking in terms of something other than a normal five-minute bell ringing.

**Mr. Mackintosh:** I just never assumed that there was anything other than an ordinary division here, that when you come in at 10 o'clock on the next Thursday, the bells are going to ring, and the bell rules apply.

**Mr. Laurendeau:** As we do now, the bells will continue to ring for the vote until such time as the whips acknowledge that the members are there for the vote.

**An Honourable Member:** Same rules apply.

**Mr. Laurendeau:** Same rules apply.

**Mr. Chairperson:** Any other comments?

**An Honourable Member:** The bells will ring at 10, not that the vote will take place.

**Mr. Chairperson:** So the deferral would be until the next Thursday as the first order of business. Agreed? [*Agreed*] 22.3.

\* (19:20)

**Madam Clerk:** 22.3 is an issue that we have sort of been dealing with. It is the two separate periods for Private Members' Business, and we have already indicated that there is going to be a different rotation. My understanding is that we had indicated—I should not say "we"—that the

members indicated on the record that for the first hour we would have a sequence such as private bills, public bills, orders and resolutions, and then in the second hour have resolutions.

**Mr. Chairperson:** Any comments for 22.3?

**Mrs. Dacquay:** How is the Clerk recommending the wording be changed, then?

**Madam Clerk:** That is something we were going to discuss after, but once I am finished giving my explanation—I wanted to have time to draw up something for you.

**Mrs. Dacquay:** I spoke to this before. I think that we have to be careful that the rule does not restrict us to not moving on. If there are no private bills, then we should have the flexibility to move orders of motion, or whatever it is. I think the easiest way, instead of saying different category, because maybe there are no private members' bills and no orders or anything else—we might want to do two private members' resolutions. I think the easiest way to do that would be each one considering a different private member's resolution/bill/whatever it is; then it does not restrict us. If you say category and there is nothing in that category, then you are going to have to get leave every time to move to something new.

**Madam Clerk:** Actually you do not, because the way it is now with private members' hour, the Speaker calls it and if there is nothing, you then just automatically move on to the next item. The Speaker will say: Any private bills? No. Any public bills? No. Resolutions, Resolution No. 3.

**Mr. Doug Martindale (Burrows):** I was just going to say something very similar, that we would list it according to the way it is now. So, first hour: public bills, private bills, Orders for Return, resolutions; second hour: resolutions, public bills, private bills, Orders for Return.

**Mr. Ashton:** In the original provisional rules, we treated them as two separate hours. If you treat them as two separate hours—I even get back to the vote question because the real question is, you know, if you are under or over, how does that count? And it gets more complicated when

you have two hours put together because currently if we have five o'clock to six o'clock as the private members' hour and a vote takes place at 5 to 6, we have a way of dealing with that without impacting on the next private members' hour. So this is where I get back to some of these issues about when votes take place. It may be more logical—it does not have to be resolved right now—to have the votes take place during that period, and then understand that if you go into the second period, you are still going to finish at 12, as a possibility. Either way, you have to deal with those questions because I would not want to be the Speaker deciding, you know, what you do with that extra half an hour if there is agreement on something.

The other question, for example, should you have the first hour and run through two or three resolutions, you then sort of run through one last five minutes, and it is 11 o'clock and you have a whole different resolution. But we did have a way of dealing with this in the original provisional rules, but we have had so many provisional rules, it is hard to remember.

**Madam Clerk:** We do have a copy of the provisional rules here from '96. Would members like a copy of that, maybe run off a photocopy? Well, it is kind of long. I can read it to you, and we can make photocopies as well. It indicates that the first Private Members' Business on the first Thursday during the spring sittings, the business schedule by subrule 2 to be taken up on Monday shall be considered; during the second period on the same Thursday, the business schedule by subrule 2 to be taken up on Tuesday shall be considered; during the first period on the second Thursday, the business schedule by subrule 2 to be taken up on Wednesday shall be considered; during the second period on the second Thursday, the business schedule by subrule 2 to be taken up on Thursday shall be considered.

**Mr. Laurendeau:** Mr. Speaker, I think we might have an easy way to fix both problems, for Steve, on his votes and the whole nine yards, if we use the Ontario model for their private member's hour. Their private members' hour is split in two as well, but both their votes are held at the same time after. So you deal with your first resolution or bill, and when that hour

expires, you move to your second, and then at the end of the other hour, you deal with both votes. If one is deferred, it is deferred to the following private members' hour. If it is not, it is passed. It is a good way to carry them on, but that is using the other model. What I am hearing is, Steve is worried about dragging it into the second private member's resolution and burning some of that time off.

**Mr. Ashton:** All I am suggesting is we know roughly what we are going to do, so that the Clerk has some direction; so this does not come back the first time we are under the new rules and the Speaker then has to figure out what the intent of the committee was.

**Mr. Derkach:** I think we have a general understanding of what we want in this particular section. I think we should leave it up to the Clerk and staff to make sure that the wording reflects our intent, take a look at the final wording, and then carry on.

**Mr. Chairperson:** 44.1.

**Madam Clerk:** We are amending the existing rule just to indicate that concurrence and third reading, when they are combined in a motion, are debatable. Normally, under our practice, currently a concurrence motion in a bill is not debatable.

**Mr. Chairperson:** Any comments? 60.1.

**Madam Clerk:** 60.1 changes the current timing of moving from Notice Paper to Order Paper. It is currently two days. This is proposing to move that time frame down to one day difference between Notice Paper and Order Paper.

**Mr. Chairperson:** Any comments? No comments. 60.2.

**Madam Clerk:** 60.2 is indicating that when motions are filed or items are filed with the Clerk's Office, it is printed on the Notice Paper two days after filing and then goes on the Order Paper one day after it has been placed on notice.

**Mr. Chairperson:** Any comments? None. 60.2(1).

**Madam Clerk:** 60.2(1) is indicating that for a bill the process is a little bit different in that it is one day filing to file a bill, and it is one day between notice and Order Paper.

**Mr. Chairperson:** Any comments? 60.2(2).

**Madam Clerk:** 60.2(2) allows for motions to be filed intersessionally with the Clerk's Office. It gives designated cutoff times when items have to be filed with the Clerk's Office.

**Mr. Chairperson:** Any comments? 60.2(3).

**Madam Clerk:** 60.2(3) gives a filing of Notice of Motion for leave to present a bill intersessionally as well. It has a different cutoff time than it is for motions. It is a shorter time frame, again, for bills.

**Mr. Chairperson:** Any comments? 60.2(4).

**Madam Clerk:** 60.2(4) is indicating when items that are filed intersessionally will appear on the Notice Paper. I just wanted to point out in (a) members might question why is it in the third day of business for a new session. When you have a totally new session after a Legislature, the first day is the election of the Speaker; the second day is the Throne Speech; and then on the third day we would be resuming other business. So that is why it is indicated three business days on (a).

**Mr. Chairperson:** Any comments? 60.2(5).

**Madam Clerk:** 60.2(5) indicates that when the House is sitting on Fridays, Notices of Motion can be filed, and then these notices would appear on the Notice Paper the following Monday.

**Mr. Chairperson:** Any comments?

**Mr. Ashton:** I am just translating. So Friday is a Friday for notice purposes, but it is a Thursday for sitting purposes.

\* (19:30)

**Mr. Chairperson:** Any other comments? 60.(3)

**Madam Clerk:** 60.(3) is just a change in a cross-referencing to add a 2.(c).

**Mr. Chairperson:** Any comments? 64.(2).

**Madam Clerk:** This rule is indicating a change in the time between the Notice Paper and the Order Paper. The reference to as set out in accordance with rule 60.

**Mr. Chairperson:** Any comments? 73.(1)(1).

**Madam Clerk:** 73.(1)(1) is based on the 1996 provisional rules. It is indicating that there is no quorum requirement on Fridays when we are sitting in Committee of Supply.

**Mr. Chairperson:** Any comments?

**Mr. Laurendeau:** The one problem with no quorums that came to my attention this afternoon is, if the Government so chose, can they start a committee up if the Opposition is not there and carry on business without anybody being there?

**Madam Clerk:** In theory that could happen, because there is no rule indicating that you cannot go on to a new department.

**Mr. Laurendeau:** My one concern there is, if we can button that up, that we have to have at least somebody from both parties before we can start up a committee. It has been done in the past. The way it is written now, with no quorum, the Government could literally come into this room and turn around and have their minister up there and their own members here, and none of our people walk in the room, and pass everything because there is no quorum, and pass the entire department, before we ever had a chance to answer the question, in about 15 minutes. I would just like to have that tightened up. That is all.

**Madam Clerk:** Sorry, Mr. Laurendeau. I misunderstood your question. I thought you meant, if you finished one department and moving on to another, because it is usual practice, when you are starting up a section of Supply, that the chairpersons wait for the minister and the critic to be there before they start.

**Mr. Mackintosh:** The Opposition has control over when a departmental spending Estimates is completed.

**Mr. Laurendeau:** My concern is on the Friday. Let us say we wrap something up. I am not saying you would do it, but what would stop them from doing it? What rule would stop them from starting up another department if the critic was not here and just going ahead without the critic?

**Madam Clerk:** There is not a rule, but I strongly suspect that the Clerk would be advising the chairperson to wait until there was a minister and critic in attendance.

**Mr. Laurendeau:** In my practice as a chairperson over 10 years, I saw sometimes where the chairs did not always agree with the clerks, even though it was always sound advice. Sometimes some chairs chose to go off on their own, and it had to be dealt with at a later time.

I do not necessarily want to leave it up to practice. I believe there has to be a solid rule there that says it is not going to happen, not that I do not trust my colleagues.

**Mr. Martindale:** What if an opposition party wanted to stall proceedings and did not send anyone into the committee room? Then they could indefinitely hold up a committee.

**Mr. Derkach:** I think this could be accommodated simply by adding that a committee could not begin until the minister and the critic responsible for that area, or designate of the critic, were present.

**Mr. Mackintosh:** I mean the Government cannot lose the ability to get the Estimates through, and so I am not sure about how—I mean the practice has been one thing, as we say, but giving the power to the Opposition to stop Estimates by not showing up with the critic, I think, would not be in the interest of governing.

But I think how we could deal with it is that you might want to have a provision—let us think about this—that a new department not be introduced on Fridays only.

**Mr. Derkach:** Nothing changes from current practice. I mean, if you do not have a quorum now, you cannot proceed. So, therefore, in the new rules, we are not asking for quorum, but we

are asking for at least one member of the Opposition and perhaps the minister responsible for that department to be present.

**Mr. Ashton:** I just want to support what our House Leader is saying. The one way to deal with that is to go back to what we had originally drafted when we tried this concept of Fridays, and that may be just to not have new departmental Estimates introduced on a Friday. I mean, obviously, there is a recognition Friday is different from other sitting days. Other sitting days we are sitting in Estimates as part of our normal House proceedings. If the entire Legislature is theoretically here, this is a unique set of circumstances. So that is one way of dealing with it.

I think the only question is if there is going to be any provisional rule, whether you put that in first, or just see if the current system works. The only thing that will create some difficulty, but that could probably be dealt with by leave as well, is if both the Opposition and the Government want to actually finish off an Estimates. In my Estimates the other day, for example, we had five minutes worth of resolutions to pass, but that can be dealt with through leave. But I think the Government House Leader's solution deals with the intent without broadening the scope to what we have currently, which seems to work quite well.

**Mr. Conrad Santos (Wellington):** We are in an experimental situation and until we see how it works, we will not be able to make any conclusion. In any event, we should not give either party the power to stop and stall the Estimates proceeding. The Opposition may, by not showing up, stall the whole thing. But, if we have that limitation that you cannot introduce a new department during the Estimates without the Opposition being there, that is enough safeguard—

**An Honourable Member:** Only on Fridays.

**Mr. Santos:** On Fridays.

**Mr. Laurendeau:** On the same point, I do remember actually now it was LAMC which the Opposition actually held up from holding LAMC in this House for a long period of time

by refusing to come, and we could not carry on LAMC. So, yes, I guess you do have to have opposition—

**An Honourable Member:** That is different; that is a quorum. The quorum is defined, though.

**Mr. Laurendeau:** That is quorum defined, but this is what Patricia was speaking about. I think when we are talking practice, you cannot start without having a critic there. I remember them saying that before, that you cannot start a committee without a critic being there, because we could not do it in LAMC. I remember that now.

**Madam Clerk:** I was just going to indicate that we used to have something in our rules similar to this on Monday night sittings, where after 10 o'clock you could not introduce the Estimates of a new department.

**Mrs. Dacquay:** I was just going to say that the quorum was clearly defined for LAMC, and it is different from a committee, quite different. I think it is noted that there could be a problem, but I would rather resolve it by saying no new section could be started without limiting the ability of a committee to continue. I would rather see that.

**Mr. Mackintosh:** Yes, I think what we are saying here then is that if any departmental Estimates are completed on a Friday, no new departmental Estimates shall be introduced on that day. You could put in there "unless the opposition critic is there," but I do not want to go there. You know, if the Opposition critic is not in Estimates, then they will just pass. The critic cannot hold up Estimates. I think, as a courtesy, the chairs have always waited for a while. So I think that is the only way to deal with it.

**Mr. Ashton:** Actually, I want to emphasize what the Clerk said. Originally, we used to have sittings after 10 o'clock, and, at that point in time, we had the rule that you could not introduce new sections, and that principle was applied to Friday. Friday sort of became the new definition of the equivalent of after 10. So the logical thing is exactly what the House Leader is referencing because the practice will take care of itself generally. The other reason this was

introduced, it makes it easier to schedule as well because let us not forget Friday is normally a constituency day. So, if you had a critic, that is out of town or has to be out of town, there is some ability then to predict. You are not going to have somebody unnecessarily on call. Once again that can be dealt with through leave if you wish to waive that rule. So I think the House Leader's original suggestion solves the problem and deals directly with the concern that is being raised by the Opposition, which is a legitimate one.

**Mr. Chairperson:** No further comments? 74.(1)

\* (19:40)

**Madam Clerk:** 74.(1) changes the amount and time allowed for Estimates and for consideration of Ways and Means and Supply, resolutions and bills from 240 to 140 hours.

**Mr. Chairperson:** Are there any comments? On hearing no comments, 75.(5)

**Madam Clerk:** 75.(5) indicates that Committee of Supply will meet Monday, Tuesday, Wednesday and Thursday afternoons and also Friday mornings.

**Mr. Mackintosh:** Here again the words "shall normally" actually. I think it should say "the Committee of Supply may sit on," because it is up to the Government whether it wants to call resolutions or bills. That gets rid of that word "normally." And then "it shall sit on Fridays."

**Mr. Chairperson:** Any comments? 75.(6)

**Mrs. Dacquay:** Yes, except that if we do that, you are specifying we automatically will be in Supply on Thursdays the way the continuation for Friday reads, and "shall sit on Fridays"—continuation of Thursday's sitting—but we may not have been in Supply on Thursday.

**Madam Clerk:** The Government House Leader would have to call the Supply motion before six o'clock on Thursday because we are recessing overnight.*[interjection]*

**Mr. Ashton:** I just said that makes sense because if the Government does not wish to call

Estimates, it is still the Government's prerogative not to call Estimates, and that may happen if ministers are unavailable.

**Mr. Chairperson:** Any further comments? 75.(6)

**Madam Clerk:** 75.(6) indicates that the only motion that you can have in the House after Supply rises is a motion to adjourn the House, that no other motions would be allowed, and that is pretty much in keeping with what was in the 1996 rules.

**Mr. Chairperson:** Any comments? 75.(12.1)

**Madam Clerk:** 75.(12.1) indicates that no formal counted votes are going to be held on Fridays in Committee of Supply. The companion piece to that—I am sorry to get ahead of you there, Mr. Chairperson—is 75.(12.2), which indicates that those votes are then deferred until the next time the Committee of Supply is called as the first order of business.

**Mr. Chairperson:** Any comments? 75.(12.2) has already been covered. Any comments? No comments. 75.(13)

**Madam Clerk:** 75.(13) has been put in place to remove the requirement that Committee of Supply report on a daily basis, but there will still need to be times when Committee of Supply will have to report. It has been drafted in such a way that the report will be presented at the end of the Estimates process to indicate all the resolutions that have passed, and also during the consideration of Interim, Main and Capital Supply processes you would still need a report from the Committee of Supply. It is also acknowledging the fact that sometimes things might come up in committee that need to be reported back, such as a matter of privilege or incidents of grave disorder.

**Mr. Mackintosh:** This just came up the other day. Marcel and I were looking at each other like: Why are we doing this every day? We love the dulcet tones of the Deputy Speaker.

The new rule, though, still seems to say to me that every time you pass a resolution you have to report to the House, and there is going to be a resolution passed every day. Why does the

Deputy Speaker or the Chair of committees, as the person is called actually, not report every time the department is finished, and actually get up in the House and say: I would like to report the Committee of Supply has passed the Estimates for the Department of Transportation and Government Services, and sit down? It is actually providing information. I do not know.

I think we are getting mixed up here as to what this is for. Is that even useful, I think, as the member questions, to report that at all? I think the only time that it is important that there be a report is where there is a matter of privilege raised and it has to go to the House. Otherwise, everyone knows what is going on in Supply. They are kept up at their caucus meetings as to where it is at.

I do not know if the public record of Hansard in the House has a showing, because the public record of Hansard in Supply tells you that. I guess we have to say: Why are we doing it to start with? I am just thinking that this still puts a lot of work; it actually would even be more work. Instead of just reporting every day, you actually have to think whether you do have to report or not.

**Madam Clerk:** Actually, I am sorry, I think my interpretation differs from yours in that the Chairperson would only be reporting at the end of the Estimates process all the resolutions that were passed completely, not every time.

**Mr. Santos:** I think people report in order to impart information. Information should be substantial information. I think the end of a departmental Estimate is itself an important event to be reported to the House. So it should not be at the end of the whole Estimates; it should be at the end of every department. I follow the Government House Leader (Mr. Mackintosh) in this.

**Mr. Ashton:** I am not sure I would want to spend too much time on this. First of all, it is not just departmental Estimates. There are also Estimates of other expenditures. So you would have to, I assume, do it by appropriation as well, because there are various other items.

To my mind, either way is acceptable. I have seen a lot of organizations where committees

report on a regular basis and do absolutely nothing, and others where it is done—end of the Estimates sounds just as good.

**Mr. Derkach:** I do not want to cut off debate, but we kind of like the wording as it is.

**Mr. Chairperson:** Any further comments? None. 75.(19).

**Madam Clerk:** 75.(19) will clarify in the Rules that there is no longer a requirement to be passing each and every line in the Estimates. Lines can still be called individually for questioning, but the only items that have to be passed during consideration now are the resolutions at the end.

I think this would come into play particularly when there has been a global consideration of a department. All the questioning is finished then. At the end of the process you would pass the five or six or seven resolutions instead of the two pages or three pages of lines.

**Mr. Laurendeau:** I approached the Clerk on this the other day, because now that we are cutting down to 140 hours, it has become a very precious 140 hours. This afternoon we spent 45 minutes passing line by line in a department, which was a total waste of time when we could have dealt with the resolutions in approximately seven minutes. It is about time.

We have tried for years to convince the clerks that we could do this by unanimous consent, and they have always told us there was no way. So this is sort of our get-even-with-the-clerks motion, Mr. Chairperson, and saying that, yes, we can do it, and we are going to move a motion in the House that says we can. This sort of makes me feel good in the end that it is going to finally happen.

**Mr. Chairperson:** Any further comments? None. 83.(2).

**Madam Clerk:** 83.(2), (3) and (4) are all part of a package designed to change the process of the way that committee membership substitutions are done. 83.(2) indicates that instead of changes being moved in the House now, notification will

come to the Clerk's Office by the Whips. They will provide that information to us in writing.

**Mr. Chairperson:** Are there any questions? 83.(3).

**Mrs. Dacquay:** Well, I guess, and I hate to raise this, but it does not say when, by when or—

**Mr. Laurendeau:** Read the next line.

\* (19:50)

**Mrs. Dacquay:** Oh, pardon me. Okay, it does. I am sorry.

**Mr. Chairperson:** 83.(2). Any comments? No comments. 83.(3).

**Madam Clerk:** 83.(3) indicates that the cut-off time for filing it is 30 minutes prior to the meeting.

**Mr. Chairperson:** Any comments?

**Mr. Laurendeau:** The only comment on that is that the substitution could then happen at committee by unanimous consent and then the letter could be delivered to the Clerk's Office right after the meeting and it has happened, it is a done deal.

**Mr. Chairperson:** 83.(4).

**Madam Clerk:** 83.(4) just indicates what Mr. Laurendeau outlined. If the 30-minute time limit prior to the start of the meeting has been missed, the committee still has the ability to make changes at the committee stage itself.

**Mr. Chairperson:** Any comments? 87.(2).

**Madam Clerk:** 87.(2)(a) and (b) have been drafted in this way to indicate that concurrence, i.e., report stage, of a bill can be combined into one motion.

**Mr. Chairperson:** Any comments or questions? 101.(4).

**Madam Clerk:** 101.(4) puts in place a trigger to let the Clerk's Office know that if members want to file report stage amendments, they would

have to file them two days prior to when report stage would be considered, so that we have the ability to put on the Order Paper that there are report stage amendments for that bill. Otherwise, unless we know that amendments are coming forward, we would not know whether to put the bill on for a combined concurrence-third reading motion or to do report stage amendments and then combined third reading-concurrence.

**Mr. Laurendeau:** I have problems with this two days, the reason being, sometimes in this House we tend to move bills through rather rapidly. We could be moving it at committee and then by leave moving it to the House. I do not think we would be wanting to seek leave to move an amendment to a bill going directly in the House. In some cases we might not want to prevent it from happening either. I am not crazy about having two days there. Is there more solid advice on why you need two days?

**Mr. Mackintosh:** I understand the gist of the concern, because you want to make sure that we have more flexibility, which is one of the themes here. My experience with this one has been that it is really important that, since we are considering legal changes to law, the department that is concerned has the ability to get the legal opinion done on the amendment, because it will be an Opposition amendment most likely, although not necessarily, so the Government should know what the implications are. I do not think you can turn around a legal opinion very easily on one day.

**Mr. Derkach:** Well, usually legal counsel is with the minister or with us when we are doing this kind of work. Going back in time, I recall our bringing him in right in the session at three o'clock in the morning as we were winding down a session. I think what we want to do is provide as much flexibility as we can and not tie the hands of government if in fact we are into speed-up or there is a will to not see the clock and move ahead with some House business.

**Mr. Chairperson:** Mr. Laurendeau.

**Mr. Laurendeau:** Mr. Derkach just covered it.

**Mr. Mackintosh:** I think I can understand that this could be workable, because, after all, the

Government is the one that calls report stage anyway.

**Madam Clerk:** Also, two days was put in there to design to give the members the ability to think about whether or not they want to file report stage amendments, because sometimes members do not know that. When they leave a committee meeting, they want some time to think about it before they actually contact Legislative Counsel. There needs to be time for Legislative Counsel to draft that amendment and also for us to get the notice to put it on the Order Paper.

**Mr. Ashton:** First of all, as I understand, we are just changing the two days from the 48 hours. So this is a question on whether we keep this provision. But if this structure of the rules has the impact I think that you can predict it will have, it will mean far less time spent on estimates and will probably mean more orderly discussion of bills. So to a certain extent we may not have the four o'clock in the morning 90 percent of business completed in the same day. You still have the ability to do it through leave.

So to a certain extent this rule actually makes more sense in that environment than it does currently. Because we have a more logical system, a more civilized system for winding down sessions generally than we had five, or ten or fifteen years ago. But because estimates takes up a huge chunk of time we tend to have a much larger percentage of the session dealt with estimates. We still have bills to deal with towards the end. I am not sure if it makes a big difference.

**Mr. Laurendeau:** Let me understand this a little clearer. If we pass a bill in committee here, it cannot go back into the House for two days before report stage. That is what this rule is saying. Is that not correct?

**Madam Clerk:** That is actually the current practice right now. However, that often gets waived when the House grants leave in the situation of towards the end of a session trying to expedite matters.

**Mr. Laurendeau:** So is that what this rule is saying right now, Patricia?

**Madam Clerk:** Yes. The current rule is 48 hours and we are changing that to two sitting days.

**Mr. Chairperson:** Any further comments or questions? Subrule 101.(6).

**Madam Clerk:** This rule change clarifies a few items. It would indicate that two days prior you need to file, copies also need to be distributed in the House. We are clarifying that in terms of a change rather than saying that notice has to be given, it is the copies actually have to be provided into the House. It also helps give us that trigger in terms of deciding where is the bill going to be listed if it is for separate reports, stage amendment or a report stage/concurrence, third reading.

**Mr. Chairperson:** Any comments? Subrule 101.(7). Delete this subrule. Any questions or comments? Subrule 101.(13).

**Madam Clerk:** 101.(13) indicates clearly on the record that you can have the combined concurrence and third reading.

**Mr. Chairperson:** Any questions? Subrule 101.(14).

**Madam Clerk:** I really did not have a lot to add on that. Again, it is just in keeping with trying to combine report stage and third reading together in certain circumstances. The rule just indicates that debate on third reading may proceed.

**Mr. Chairperson:** Any comments or questions? Subrule 101.(15).

**Madam Clerk:** Subrule 101.(15) clarifies what the process would be in the case of where there is no amendment at report stage.

**Mr. Chairperson:** Any comments or questions? 102.

**Madam Clerk:** 102 just indicates that concurrence is being added again to the third reading motion on the order of the day for concurrence on third reading as called for.

**Mr. Chairperson:** Any comments or questions? Committee was agreed that Ms. Chaychuk

would answer questions and then pass or make amendments. What is the will of the committee?

**Mr. Laurendeau:** I know we still have the plain language to go through, but I was wondering if I could ask a question of Patricia: How long will it take you to draft up the short list of changes that have to be made?

**Madam Clerk:** I would say give me at least 10 minutes to make sure I have a good enough wording.

**Mr. Laurendeau:** Then I might recommend that we take about a 15-minute or so recess so that Patricia could take the opportunity to get this drafted so that we can get it all passed.

**Mr. Chairperson:** Is it the will of the committee to recess for 15 minutes? *[Agreed]*

*The committee recessed at 8:00 p.m.*

*The committee resumed at 8:20 p.m.*

**Mr. Chairperson:** In front of you we have plain language. Would you like to cover that first, or would you like to finish with the Rules, and Patricia can talk about her different changes or amendments?

**Mr. Derkach:** Can we just dispense with that? I think we have a suggestion being put forward by the Member for Thompson (Mr. Ashton) and the House Leader, which, I think, will shorten the amount of debate we can have on this one. I think we can accept the amendment.

**Mr. Mackintosh:** The thinking is just to have the votes on Private Members' Business as they arise naturally. So that would mean that subrule 22.(3) in the current Rules would be omitted, and we will not require the draft that you so diligently just now created.

**Mr. Chairperson:** Subrule 22.(3)(a).

**Madam Clerk:** I think 22.(3)(a) they have just agreed we are not proceeding with that because they want to be dealing with the divisions as they occur, but prior to that there is a 22.(2)(b),

the Private Members' Business where I have sort of outlined what the sequence is.

**Mr. Chairperson:** Subrule 75.(12.3).

**Madam Clerk:** Subrule 75.(12.3) is just to clarify on Fridays the Estimates of a new department or entity, keeping in mind the point that Mr. Ashton raised, shall not be commenced.

**Mr. Laurendeau:** Mr. Chairperson, I would recommend we move this all as one package and accept it as a package, with the amendments being brought forward by the Clerk. The only thing is when it goes to the House we want to make sure that the motion notes it is provisional rules for one year with a clause that we will do the review and initiate the process.

**Mr. Mackintosh:** I wonder if we could just spend a minute then just thinking of how the provisional aspect applies. First of all, if it is for one year, it is probably best that it be till after the end of the third session, right. We do not want to have rules come to an end partway through a session, a year from now. I do not think you mean a calendar year; you just mean—

**An Honourable Member:** No, a sessional year.

**Mr. Mackintosh:** Yes.

**An Honourable Member:** So this session and the next one.

**Mr. Mackintosh:** At the end of the third session of this Legislature.

**Mr. Laurendeau:** Mr. Chair, I think if we put this in place for even one fiscal year, by next year we will know how it has worked. I think we can just pass it next year and put it into the Rules. I do not see any problem with just banging it off next year. Why drag it off for a year and a half? I think it is best we do it next year, rather than the year after. I think we are further ahead—

**An Honourable Member:** One full year?

**Mr. Laurendeau:** One full year.

**Mr. Derkach:** Mr. Chair, it would seem to me in practical terms we want to work with these

provisional rules for this session, but we also want to know how they will be perceived in the beginning of the next session. If we would agree that at the end of the fiscal year we will have a process that will either take us back to the original rules or will move us ahead to make these the permanent rules, I think we can agree to that, but with one addition, I think. That is that after that there be agreement that we would review these rules on an annual basis.

**Mr. Mackintosh:** So there is a sunset in this. We should commit, I guess, to clearly Rules Committee procedures before March 31.

**Mr. Laurendeau:** If we could set that we would have a Rules Committee before March 31 of next year, even April, April 31. We want to start the next session—

**An Honourable Member:** Nice try. The 31st, there are only 30 days in April.

**Mr. Laurendeau:** Okay, April 32. We can do whatever we want. By leave, April 31, Mr. Chair. Before April 31, I said, so that could be the 30th.

**Mr. Ashton:** The only thing I would suggest—this is quite apart from any of the concerns either of the caucuses would have. My hope would be that no matter what mechanism we put in place, that it will be treated as something that, if it works, it stays, rather than revisiting the entire thing. We have had some experience with this in the past.

Actually, this provision really brings in the first package, some of the elements, the second package—*[interjection]* Exactly. You are pointing at me because you know why I am saying this here. I think it creates a bit of a different dynamic when each of the caucuses, if you know there is going to be a Rules Committee and the intent of the Rules Committee basically is not to start from scratch but basically, if there are no problems, to continue and perhaps look at some minor amendments. That is not something you necessarily put into practice.

**Mr. Laurendeau:** My one concern with this is, I will be quite straight up about it, we have a

person that we have invested some money into because we have been working on these rules and we, as an Opposition, do not have a lot of money to invest in rule changes. We have to use as much as we possibly can for doing other things in research. If I drag the puck too much longer on this, I am afraid—we are running out of funds to actually pay somebody within the rules area. It is easy for you in government, you have the ability, but it is not that easy for us in opposition.

I think he has done a great job for us as far as helping us through this system, but I have to look at how I am going to get the funds in place to take care of him over the next six months. It is difficult to do it in the short term and the long term. We do need the provisional rules in there. I think we need until at least March 30.

**Mr. Chairperson:** Mr. Santos, then Mr. Mackintosh.

**Mr. Santos:** All I am going to say, Mr. Chairperson, is that rules of the House are like a constitution. It is like a tree, it grows, branches here, branches there. But you do not cut the tree. It should be an evolutionary development.

**Mr. Chairperson:** So is it agreed that these rules would be in place until March 31, 2002, with the Rules Committee review prior to the expiration of this date? Is that what has been agreed to? *[Agreed]*

For clarification, we still have the plain language that is part of the package.

\* (20:30)

**Mr. Mackintosh:** I suggest, this has been around for some time and it is getting a bit yellow, but I suggest we just pass this. I did have two questions, and I do so with trepidation, but I will raise them right now. Just one pet peeve I have that was not in here, and I said we would not raise anything else. You know that Supply motion we move every day, can it not just say that the House go into Committee of Supply instead of Mr. Speaker now leave the Chair, and the House—can we not just do that? I move that the House now go into Committee of Supply.

**An Honourable Member:** There goes Her Majesty out the window again.

**Mr. Mackintosh:** If there is a rule that requires language be changed—I think it is just a convention. Then there is a question, and I will just raise another question, is that we had been looking at revising the whole petition process as only one stage, because, I think, for people looking down, to have an MLA stand up and not say anything, I think it is embarrassing. I have been in that position many times. You should just be able to stand up and present your petition and have the words read and so on. I guess we cannot do that now, but let us put that on our to do list.

**Mr. Laurendeau:** Let us get rid of the ties, Mr. Chair. *[interjection]* Come on, I did not say I was coming in jeans.

**An Honourable Member:** That would be the next step. No.

**Mr. Chairperson:** Okay, we have housekeeping to go through. Is it agreed that, rather than move Supply in motion, have the Speaker say we are now going into Supply and no motion moved?

**Mr. Mackintosh:** Well, I think the Government has to make the motion, have it seconded and agreed to by the House. It is just that the wording is archaic. There is some old language in there, and it says too much.

**Mr. Chairperson:** So the agreement is just to change the wording of the motion.

**Mr. Mackintosh:** Mr. Speaker leave the Chair and the House go into Committee of Supply.

**An Honourable Member:** I move that the House resolve itself into Committee of Supply—period—perfect.

**Mr. Chairperson:** Is this the understanding, that the Government House Leader say: I move that the House resolve itself into Committee of Supply? Agreed? *[Agreed]*

Now we have some housekeeping. Is it agreed that the Clerk be authorized to renumber the Rules, Orders and Forms of Proceedings of the Legislative Assembly? *[Agreed]*

Is it agreed that the staff of the Clerk's office be authorized to produce revised Rules

incorporating all amendments, additions and deletions? *[Agreed]*

When will these amendments to the Rules, as agreed to by this committee, come into force?

**Mr. Laurendeau:** Mr. Chair, my only concern is if we do not get these things into force by tomorrow or the day after, at the latest, the cold feet in this building might start getting worse as the hours start to wear down. So, ASAP, because 140 hours is now going to look like about 60 hours tomorrow? *[interjection]* In around 60. It is just the sooner we can get it, the better. But they come into effect as soon as we pass it in the House.

**Madam Clerk:** Just to clarify for you, Mr. Laurendeau, the Order Paper would not change until the rules are actually adopted. So tomorrow it will still show the 160-odd hours.

**Mr. Mackintosh:** The Clerk will have to, I guess, explain what logistical problems there might be in getting the rules into a report for the House. Clearly, I think there is a will on the part of everyone to have the report introduced by leave and then a concurrence motion by leave in the House. It is just a matter, I guess, of whether there are translation issues that are hampering tomorrow's introduction for example.

**Madam Clerk:** The major holdup would be, as the Government House Leader indicated, the translation. It may not be physically possible to get it done by 1:30. But definitely it could be done by Wednesday, because the committee report would be presented by Wednesday in any normal circumstance.

**Mr. Derkach:** No, I think we make every effort to bring them in as quickly as possible. If it is tomorrow, fine. If not, it will have to be Wednesday.

**Mr. Laurendeau:** Mr. Speaker, if it is five o'clock in the afternoon, we can always adjourn committee and come back in the House and do it at that time. If the Clerk could advise the House Leader at what time whenever they are ready, the House Leader could advise me and we can make it available for the Speaker to come back in the House to deal with the matter.

**Mr. Chairperson:** So is it the will of the committee to put a priority in the French translations and all other matters pertaining to this to have it ready as soon as possible? *[Agreed]* Top of the priority list.

Are these amendments to the Rules as agreed to by this committee permanent changes to the Rules, or for a specific period of time? *[interjection]* We already had that. Okay, that is done.

Is it the will of the committee that the amendments to the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba as agreed to by this committee be reported? *[Agreed]*

What is the will of the committee?

\* (20:40)

**Madam Clerk:** I just wanted to indicate for members that we can get the report done as quickly as possible; it may take us a little longer to actually do a new version of the rule book. You might have to put it in a binder like the provisionals. It will take us a little bit more time.

**Mr. Chairperson:** What is the will of the committee? Committee rise?

**Some Honourable Members:** Committee rise.

**COMMITTEE ROSE AT: 8:41 p.m.**