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



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

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

Tuesday, 20 April, 1982

Time — 10:00 a.m.

CHAIRMAN, Hon. D. James Walding (St. Vital): Order please. The Committee will come to order. As is the practice, the proceedings are being taped and will be transcribed unless any member has any particular objection to that. The agenda has been circulated in the form of these papers. Is that acceptable to the Committee? Any other business can be added after we've dealt with this item.

The first point before the Committee is the matter of a quorum. We have nine members on the Committee. Is it your will to set the quorum at a majority, which is five. (Agreed)

May I just point out before we begin that this particular Committee has usually met in the past and dealt with this business on a basis of consensus, slightly different from other committees, and members look at any proposed changes from the side of the House on which they sit, remembering that at some time in the future they may well find themselves on the opposite side of the House. From that point of view, if the changes proposed are not quite satisfactory to everyone, they are generally put off until another meeting or for further discussion. I hope this Committee will function in the same manner and come to its decisions by the same sort of consensus.

Can we start at the beginning and work our way through, if so Item No. 1.

MR. CLERK, Jack Reeves: Thank you, Mr. Chairman, may we start at Item No. 10 because if the Committee does not agree with that, then there's no point in continuing.

MR. CHAIRMAN: Let's start with Item No. 10, if we can. It's towards the back, headed General. Then we go back to the beginning and work our way through. Mr. Reeves, would you like to tell the Committee what this is about?

MR. CLERK: I think it is self-explanatory, Mr. Chairman, as I've said in there on several occasions, we have sent to the Queen's Printer certain amendments which have been approved by the House. The Queen's Printer, or through the printer that they have selected, have supplied us with proofs and then to, I presume, suit the whims of the printer itself, the printer has reprinted the whole Rules on occasion. This has resulted in several errors occurring and, frankly, I have no faith in the Rules as they are now for the simple reason that what has been approved by the House and what we are operating on are two different things.

I would like the approval of the committee to reprint the whole Rules. Now, as a sideline, I checked with our word processing people downstairs and as I said in here, they can arrange for indefinite storage. They can make corrections in the body of the Rules and the odd format of the Rules. That is this blue book that you have. It presents no problems and to my way of thinking, if nobody else's, my Scot's blood says,

because it will be less costly, let's look at it.

MR. CHARMAN: Mr. Graham.

MR. HARRY GRAHAM (Virden): Mr. Chairman, I don't think our Clerk would want the record to show that he has no faith in the accuracy of the Rules.

MR. CLERK: Rules, as printed.

MR. CHAIRMAN: Do we have the agreement of the Committee? (Agreed)

Can we go back to the beginning under General? No problem with No. 1? (Agreed) Number 2, over the page.

MR. RANSOM: My only question, Mr. Chairman, would be is it necessary?

MR. CLERK: I don't know, Mr. Ransom.

MR. RANSOM: Is it something that should simply remain as tradition?

MR. CHAIRMAN: It has been our practise. We have never had it written down and as far as I know it never caused any problem. Mr. Graham, was it a problem in your day?

MR. GRAHAM: Not that I'm aware of, although I think there may be an area that has caused some concern with employees of the Chamber. I notice a reluctance on the part of the Pages. They seem to studiously avoid walking on the floor wherever necessary and I'm not too sure that is the intention.

MR. CLERK: The reluctance on the part of the Pages stems from the fact that there have been several complaints. One that comes to mind is Mr. Lyon saying that he didn't like the Pages crossing in front of him when he was speaking, so the roundabout route taken by some of the Pages is as a result of the instructions which have been given to them by the Sergeant-at-Arms.

The proposal that we had before, gentlemen, is just that several people have asked me on various occasions, can they do this, can they do that. We've got no Rule that deals with it and all I can do is quote what I think is a rather unsatisfactory Rule. Frankly, it doesn't make sense to me, in the Ottawa Rule it says, when the Mace has been taken off the table by the Sergeant-at-Arms, I guess, from that you have to presume that when the Mace is on the table proper, no members are allowed on the floor at anytime. Then it just says, "No member may pass between the Chair and the Table," which is, in a sense, behind me.

In talking to my counterparts in Ottawa, I understand that no members are allowed on the floor at anytime, so that it doesn't really jive. If you are going to reprint the Rules, gentlemen, this is the time that I would suggest that you might want to look at the various corrections.

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MR. CHAIRMAN: Mr. Penner.

HON. ROLAND PENNER (Fort Rouge): I would express a general preference to leave tradition as tradition and try to keep the Rules as lean as possible. Once you begin to embody tradition as rule, among other things you're making it more difficult to have a manageable body rule.

Secondly, don't we all know it, there are the occasional obstreperous rule-minded individuals who will be very quick to pick up something that they might jump to their feet to use and I would rather we stayed away from that. If there is this tradition and, my observation limited as it is, it's been observed, why don't we just leave it. It's not strictly a procedural kind of matter. It is more a question of respect.

MR. CHAIRMAN: Has Mr. Reeves has noticed it does apply to the Pages, pages are forbidden to do that.

MR. CLERK: That's all.

MR. CHAIRMAN: I realize that.

MR. GRAHAM: It only refers to members.

MR. RANSOM: Mr. Chairman, I probably want to raise this with some of my colleagues to get their feelings on it. I think, for the moment, the thing to do is pass over it and if we later think it should be returned to the agenda, then we can do that.

MR. CHAIRMAN: If we can put this matter over and then go on to Rule 3, having to do with newspapers in the House.

MR. PENNER: The difficulty I would have with expanding it to include all printed matter is that it would, I think, likely be unenforceable or if enforceable then enforced strictly. Then, it would mean that a member, who would of necessity in preparing to intervene in the debate would be looking at some report. Who knows precisely what that document is? You know a newspaper when you see one, but what is another piece of paper? How is it supervised? How do I know what the Honourable Member for Turtle Mountain is looking at when he has a piece of paper in his hand? Do I jump to my feet and call the attention of the Speaker to the fact that there's a piece of paper in the honourable member's hand? I become ridiculous and he becomes inoperative. I think again, it's a case of too much rule.

We know, I'm sure, that in many instances the honourable members are not, in fact, preparing for learned intervention in the debate, that they're trying to get some of their office work done and one would wish that didn't take place with as much frequency as it does but, on the other side of that coin, trying to enforce the attention of the members to the debate and decorum, I suppose, is in fact I think, unenforceable. It becomes draconian or just a bludgeon that would be used.

MR. RANSOM: I'm just wondering, Mr. Chairman, what the background to that Rule was? Was it a question of not wanting interference with the proceedings

of the House in terms of the noise of handling newspapers and such or is it intended that people shouldn't be reading things. They should be paying attention to what's going on.

MR. CHAIRMAN: Maybe your colleague can answer that. Mr. Graham.

MR. GRAHAM: Mr. Chairman, I believe this arises from numerous letters that have been received by individual members, some addressed to the Clerk, some addressed maybe to the Speaker of the House. From the public perception, as seen from the Gallery, of people that are both from this province and beyond this province who walked in, been admitted to the Gallery to watch the proceedings of the Manitoba Legislature and look down and see some guy sprawled back in his chair calmly reading a newspaper. It's mainly for the public image, I believe, and this is what probably prompted the Rule in the first place. I don't know, but I know when I was in my term of office as Speaker, I have had several telephone calls from people who have sat in the Gallery and have expressed their concern about the members of the Legislature in their approach to the proceedings of the Assembly.

MR. CHAIRMAN: I think one point here is that newspapers tend to be rather large, particularly if they're opened out, and with a large number of members all reading a newspaper, the public perhaps sees that as the member's paying no attention and reading some entertainment literature, whereas I tend to agree with Mr. Penner, if it's a book or report or something like that, it's more likely to be work involved with their duties than a newspaper.

Mr. Ransom.

MR. RANSOM: A related item perhaps deserves some consideration, Mr. Chairman. As I noted on a number of occasions - I think I perhaps even raised the question with you once concerning one of the Minister's presumably dictating memoranda or whatever in the Legislature - there is a possibility it finally develops to the point where, in total, would become unacceptable.

I don't think we could go so far as to preclude reading of any printed material, but perhaps we do have to give some consideration to just tightening up a little bit from what goes on, opening of mail and that sort of thing. I've been guilty of it myself on occasion. Perhaps that sort of thing should be restricted.

MR. CHAIRMAN: Mr. Kovnats.

MR. ABE KOVNATS (Niakwa): Thank you, Mr. Chairman. It comes to mind also, like the opening of mail, it's not just the opening of the mail and reading of letters. It's what's done with the envelopes and all the paraphernalia after and it makes quite a mess the way some of the members just take their garbage and drop it behind their chair, particularly on television. It's picked up very, very readily. I think that's just as abhorrent to me as reading a newspaper to see all of this garbage lying around in the Chamber. I think that we can't be that strict, but I think that it's a matter of advising the members that this is their home; this is where they have to live and if they're being watched

by the public that the reading of newspapers is not allowed. I wouldn't want to be that strict on the Ruling. I think, just as a reminder, the less Rules we have, the easier it is to keep the Rules in place.

So, just as a reminder, and I think it would be the Speaker who would take the liberties to advise the members that these things are really not acceptable, rather than forbidden.

MR. CHAIRMAN: Mr. Penner.

MR. PENNER: That was my point. I agree that the best way to handle this is perhaps a memo to the members from the Speaker, calling attention to the fact that it appears that some persons are dictating memos into dictating machines and others are opening mail and, in your view, these things affect the decorum of the House and you would urge members to cease and desist on penalty of death, something mild like that.

MR. KOVNATS: I wouldn't want it to be that strict. Maybe the lopping off of an arm, but not death.

MR. CHAIRMAN: I sense no enthusiasm for this particular proposal.

MR. PENNER: As a Rule.

MR. CHAIRMAN: As a proposed amendment to the Rules. If we can rule this out, perhaps the Committee might want to discuss the matter of electronic recording devices brought up by Mr. Ransom or perhaps other matters having to do with garbage in the House that has been raised.

MR. RANSOM: I think the comments that Mr. Kovnats and Mr. Penner made about the general decorum deserves some attention and perhaps it's incumbent on the House Leaders to speak with their respective Caucuses and perhaps for you, Sir, as Speaker to draw some of the Rules to the attention of the House.

For instance, the question of decorum on adjournment. When the House adjourns, the members shall remain in their places until the Speaker has left the Chamber. There are many occasions when members are on their feet and walking and talking while you, Sir, the Speaker are still conducting the business of the House. I think that sort of thing needs to be controlled a little bit more than it has been.

MR. CLERK: Before we leave this item, Mr. Chairman, may I just say one thing that, as a matter of fact, the thing that prompted this suggestion or call it what you may, was the fact that on several occasions, I have gone at the direction of the then Speaker to a member who was reading what looked like a newspaper and the member just simply said, this is not a newspaper. It's this or it's that or it's something else. Since our Rule is quite specific that no newspapers shall be read, this is simply a question of determination I suppose in your mind as to what constitutes a newspaper and what constitutes a magazine. To me, for example, the Co-operator as a typical example, is a newspaper, but some other members may regard it as a magazine because it's stapled I think rather

than loose.

It was merely brought to your attention, gentlemen, and that's all. I have no hangup.

MR. GRAHAM: Mr. Chairman, I can only talk from my own personal experience, but I do know that if I sent a note to a member of the House, "I sincerely hope that is not a newspaper that you're reading." If it was a newspaper, it promptly disappeared. If it wasn't a newspaper, the member usually kept on doing whatever he was doing.

MR. CLERK: That's left him pretty wide open.

MR. CHAIRMAN: If there's nothing further on this item, we will turn over to Item 5. on the next page.

MR. GRAHAM: Just cleaning up of the wording.

MR. CHAIRMAN: Agreed. Page 6 on the next page. Is page 6 agreed to? (Agreed) Page 7.

Mr. Ransom.

MR. RANSOM: Could we have a bit of explanation on this item from the Clerk, perhaps.

MR. CHAIRMAN: Mr. Reeves could you outline what it is we're not doing.

MR. CLERK: Perhaps, you'd go through the various Rules quoted here.

Rule 112 - It is a motion for suspension of any rule with respect to a Petition for Private Bill will not be entertained unless it has been favourably reported upon by the Committee on Private Bills. I don't know as that ever happening - well I'm sorry, there was one occasion when there was a request made for a suspension of a certain rule with respect to advertising and it was done by the House, not by the Committee. I'm merely bringing this to your attention. If you wish to change it, now is the time to do it. That is the only real comment I have on the Rule 112.

MR. CHAIRMAN: Mr. Tallin on that point.

MR. RAY TALLIN (Legislative Counsel): There is another area in the past that hasn't been done in recent years since the rules have been amended on the timing for bringing in Private Bills, but there used to always be annually a recommendation to extend the time for bringing in petitions on Private Bills. Frequently, this was not done by the Committee on Private Bills at all, but by the Committee which was considering Private Bills which infrequently was the Law Amendments Committee because it was meeting more frequently and particularly near the end of the Session if this occurred. Yes, I can remember it recurring three times in the last few days of the Session when Private Bills were allowed to be brought in on a special without an extension of time limits.

MR. CLERK: There was an occasion on which Private Bills were by consent of the House were sent to Law Amendments rather than Private Bill, but I would rather think that is few and far between.

MR. TALLIN: I think it's been done about every third year, on the average, and I can remember once it was Law Amendments that extended the period of time.

MR. CLERK: It's possible, but I would rather think that since we changed the Ruling with respect to the presentation of petitions in the House after the sixth week to the tenth week. I think the Committee said there would be no further extensions following the tenth week and we've had no problem with Private Bills inside the House.

MR. CHAIRMAN: I recall that was the intent of the change.

MR. CLERK: Yes that was the intent of the change and, if I remember correctly, it was made about in 1976, 1977, somewhere in there. No petition for Private Acts shall be received by the House after the first of ten weeks.

MR. CHAIRMAN: Would you continue with 113.

MR. CLERK: 113, again every Petition shall be presented to the House upon a Motion for Leave, after the Petition has been favourably reported on: (a) by the Clerk; or (b) by the Committee on Private Bills.

That has not been followed for the simple reason - well, what has happened is the petitions are simply Presented one day, Read and Received the next day and the First Reading of the Private Bill follows the following day. In the Committee stage if Mr. Tallin, for example, in his report as Law Officer says that they are not doing this, that or the other thing, there may be some repercussion, but again practice doesn't bear this out. As I say, the problem that I have is that every petition favourably reported by the Clerk or the Committee on Private Bills; it's simply not done. As a matter of fact, if you could look at this thing, favourably reported on by the Clerk, reported to who? I just don't know who. The same with the Committee on Private Bills. The Bill is not referred to the Committee until following second reading.

MR. ANDY ANSTETT (Springfield): Mr. Chairman, it's almost as if there's an assumption here that the Bill has been to the Committee before it reaches the Petition stage for some sort of prior clearance for consideration. There's no reason that the Clerk couldn't report, however, that he has the report of the Law Officer and that the Law Officer sees nothing wrong with proceeding with the Bill.

MR. CLERK: I don't even see that until the Committee stage.

MR. ANSTETT: But, we could require that you see that between presenting of the petition and reading and receiving.

MR. CLERK: In going along with Mr. Penner's idea, what's the point in the thing? You know, we're setting an extra step which seems pointless. The only thing that I find wrong with this is the portion of the Ruling that says, "all petitions before the House, for or against the Bill, shall stand referred to that Commit-

tee." Frankly, I don't know what the blazes they're talking about. I rather suspect that years and years ago Private Bills had a different status in the House than they do today.

Going back to the early formative years of the province, from my research it would appear to me that all bills were presented in one shape or another by way of a Petition and some of the rules that are in here are probably a carry-over from away back. But, I don't know, again, "all petitions before the House, for or against the Bill, shall stand referred to that Committee." I don't know what they're talking about; honestly, I don't. You know, if somebody asked me to explain what the meaning of that Rule was, I would be at a loss to do so for the simple reason that we have one petition for a private bill and that's all we have.

MR. PENNER: With the normal course.

MR. CLERK: That's right, and with a prescribed . . . And then, as I say, I've been here for 22 years and . . .

MR. PENNER: And you haven't seen supplementary petitions.

MR. CLERK: No. I've never seen petitions pro or con. There could be, I agree.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: Generally, the way the people who object to the petition make their objection known is just by appearing before the Private Bills Committee and making a submission objecting to it. There have been a number of those on extension of limitation periods when the ensurer or the defendant in proposed cases appear, but I have never seen a petition against a Bill.

MR. CLERK: No, neither have I. 115 - The Committee on Private Bills is the only Committee which is required notice of the sitting of which is required to be given, shall consider the Bill until two clear days' notice of the sitting of the Committee has been posted. It is the only Committee which requires 48 hours notice. I just bring that to your attention, if you want to change it.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, I believe there might possibly be a valid reason for that because we're dealing with private bills and again, it depends on the interpretation of the word "private," but it does not in most cases involve the working members of the Assembly. It's usually a matter that some member of the Assembly has brought forward as a courtesy to a particular group in society and maybe it's valid that there should be a little extra care given in giving notice to that committee. It's not a major item.

MR. CLERK: None of it's major.

MR. TALLIN: Actually, this is another case where if, at the end of the Session, there are private bills left, they may get referred to Law Amendments. Then the

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Law Amendments Committee meets on an hour's notice often.

MR. ANSTETT: That would be technically incorrect, though.

MR. CHAIRMAN: Is the proposal here that those four Rules be deleted? Are you suggesting that you go away and bring us a recommendation?

MR. CLERK: Not necessarily, I merely bring it to the attention of the Committee for your consideration as to whether you want to do anything about them, the anomalies that I have attempted to point out, or not.

MR. ANSTETT: Mr. Chairman, with respect to 115, although I appreciate Mr. Graham's concern, usually in the case of a private bill in my experience the individuals who are sponsoring, and the legal counsel involved in the private bill, are much more attentive to the progress of the bill and the prospects of when the committee will meet they've usually registered a request that they be notified as soon as the committee meeting has been called with the Clerk's Office. So, in those cases, and since you're dealing with usually very small numbers of people, usually one or two, those people get in many ways better notice than a lot of people who may wish to appear on a much more popular or unpopular public bill.

MR. CLERK: Probably what Mr. Anstett said, is that Private Bills Committee is the only one on which I must give notice to the media. Law Amendments, other than to the members of the House that are involved in the process, we make no attempt to contact the general public whatsoever. In the point of the private bills, it has been our practice for many, many years that whenever a Private Bills Committee meeting has been set to contact the solicitors for the private bill and notify them of the time and the place of the meeting.

MR. ANSTETT: Not a frivolous question, but where is the lobby of the Assembly? I would think of the lobbies as being the telephone room and the messenger room, yet our notice boards are in the corridor on the outside walls of the Assembly.

MR. CLERK: That is our attempt to do what the rules say.

MR. RANSOM: Have we this year, incidentally, appointed a Committee on Private Bills?

MR. CLERK: Yes, it's a Standing Committee.

MR. RANSOM: I think the Rules should reflect the way in which the business is actually conducted and I would suggest that Mr. Reeves develop some more appropriate wording for the sections to be considered the next time that the Rules Committee meets.

MR. CLERK: Can I just say one thing with respect to Section or sub-rule 2 of 115. It says the Clerk shall cause a notice of the posting to be appended to the printed Votes and Proceedings of that day. We

changed from the Votes and Proceedings to a notice in the Orders of the Day or appended to the Orders of the Day. We changed the other references to the Votes and Proceedings. We didn't do this when I think we should have. That is the only thing that I see wrong with it.

MR. ANSTETT: Mr. Chairman, since 115(2) is already covered and I notice provision for all the other standing committees which requires that notices of all the standing committees appear in the Notice Paper, why would 15.(2) even be necessary?

MR. CLERK: I don't know.

MR. ANSTETT: It would appear to me to be redundant.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: The same with 116, that's the normal practice of the committees.

MR. CHAIRMAN: Would it suit the pleasure of the committee if Mr. Reeves were to come back at the next meeting with recommendations on these four or five rules dealing with this subject?

MR. CLERK: Mr. Tallin and I will get together on these perhaps.

MR. CHAIRMAN: On the next page, No. 9. I wish to bring up a problem that has faced us in the House before as to which takes precedence.

MR. PENNER: There must be some authority in Beauchesne or the other great parliamentary authorities on that somewhat important question. This must have been ruled on; you must have made rulings on this, Mr. Graham.

MR. GRAHAM: It's possible.

MR. PENNER: Some specific of history is being touched here, I take it.

MR. CLERK: I'm bringing this forward, gentlemen, because I had it in my folder and Mr. Fox, who is not here this morning, although he indicated to me that he would be, seemed to have a hang-up on this.

MR. CHAIRMAN: Mr. Ransom.

MR. RANSOM: Mr. Chairman, I think it does deserve some attention because it is an area that can be abused and, of course, if the point of privilege doesn't conclude with a substantive motion, then it is out of order but no one is able to interrupt the person rising on a point of privilege to inquire whether or not it's to be followed with a substantive motion, presumably the Speaker could ask that. That might be the way to deal with the question.

MR. CHAIRMAN: To answer that, I think Beauchesne makes it quite clear that matters of privilege are very rare and should rarely be brought up in the House. There has been some abuse in the past of people

wanting to, or saying that they are speaking on a matter of privilege when it's actually been a point of order. That's been tightened up considerably and we had some discussion on this point, I think, previous to the Session.

Mr. Ransom.

MR. RANSOM: I'm by no means an authority on the Rules, Mr. Chairman, but is it possible for the Speaker when someone rises on a point of privilege to ask at that point, is your point of privilege to be concluded with a substantive motion? If not, then they have no point of privilege, before it's ever stated. If it is to be followed with a motion then the rules would apply and subsequently be dealt with.

MR. CHAIRMAN: But there a number of occasions when a member will rise and wish to say something, perhaps not thinking that it's a point of order or perhaps being convinced that it's a point of order but he wants to say it anyway and so claims that it is a point of privilege and wishes to speak on that topic without ending it with a substantive motion which seems to satisfy that member's need to raise it. Frequently that's what happens.

MR. GRAHAM: And he doesn't feel the least bit offended when he has completed and you tell him he did not have a point of privilege at all.

MR. CHAIRMAN: So it probably should have been raised as a point of order. The House seems to be tending in that direction. Personally, I'm inclined to agree with what I read here, that a point of order often has to do with a matter of procedure, whereas a matter of privilege is not really a policy or a program but it's something that affects the whole House. So it should be interruptible by a point of order if one occurs during that debate.

MR. GRAHAM: Is it not true though that points of order are probably violated more than points of privilege?

MR. CHAIRMAN: Quite possibly, but it serves the purpose of the House for that member to say something at that particular time.

MR. CHAIRMAN: Mr. Reeves.

MR. CLERK: I would like to think, Mr. Chairman, that a member will rise on what he honestly believes to be a point of order and he doesn't know until he is ruled out of order, or his point of order has been ruled out by the Speaker that it's not a point of order.

MR. GRAHAM: You cannot make any ruling until you have heard the member's argument.

MR. CLERK: You must hear him out.

MR. CHAIRMAN: Is this something you wish to decide today or take it away and think about it for our next meeting?

Mr. Anstett.

MR. ANSTETT: Mr. Chairman, is it not usually the case that where there is, what appears to be at least on the surface, a legitimate point of privilege in which there is also a substantive motion. That often times, because we deal with these so rarely in the House, legitimate ones that is, that we are inclined to raise points of order to make sure that we're doing it properly and that allowing the point of order to be raised during the debate on a question of privilege is the only way to ensure that is taking place properly. The suggestion that we place the responsibility for ensuring that all the rules and proper proceedings are followed fully on the shoulders of the Speaker may be unfair to the Speaker to adhere or to ensure the adherence to all the rules when dealing with that. We've had some rather delicate questions of privilege in the past and it was only through the intervention of some very knowledgeable members on both sides of the House that those things were handled in more or less proper fashion.

I'm inclined to agree with this at least one member. I don't know who that refers to, well, obviously one of the two former Speakers that a point of order dealing with the matter of privilege, or the rules and proceedings respecting that matter of privilege, would be in order. A point of order totally extraneous to the matter of privilege, I don't think would be in order, because then you're denying the precedence to which you accord points of privilege; an attempt, in other words, to sabotage the raising of the point of privilege by raising a point of order would be out of order. It would be raised after the conclusion of the debate on the matter of privilege, but to ensure that debate on that matter of privilege is conducted in the best form, I think it's only appropriate that members can raise points of order with respect to the process.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: Mr. Chairman, I believe that the only time this is of concern is in probably a very heated debate where maybe the temperature of the Chamber has been raised several degrees and members are very spirited and one member stands up on a point of order and another member stands at the same time on a point of privilege and it's quite possible there could be a severe argument about which member should be recognized first — the member standing on a point of order or the member standing on a point of privilege — and you're already in the midst of a rather heated atmosphere.

MR. ANSTETT: Mr. Chairman, I have no problem with that. I would assume the member rising on a point of privilege because it is a more all-encompassing matter that is being raised, or supposedly. If it's a legitimate point of privilege, it should be more all encompassing than a point of order, that's the member who would be recognized and that any further points of order which deal with that point of privilege and its proper consummation would further be recognized, but all other extraneous points of order would not be recognized by the Speaker until the conclusion of that item.

MR. GRAHAM: You would not get unanimous

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agreement in the Chamber on that point of view.

MR. ANSTETT: Not in a heated debate, no.

MR. CHAIRMAN: Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, you would have everybody rising up on a point of privilege to make sure that they were the ones being recognized. I can't see any other reason for you, you know, to accept whether a point of privilege or a point of order should have precedence. I think the first person who rises is the normal rule would be the one that would be recognized rather than by a point of privilege or a point of order.

MR. GRAHAM: You could have half a dozen standing up at the same time, all jumping up at the same time.

MR. CHAIRMAN: Whomever catches the Speaker's eye.

MR. KOVNATS: Mr. Chairman, I have been involved with rules and they have what they call a simultaneous catch in football but there is no such thing as a simultaneous catch, somebody catches it before the other. I would think that somebody rises before another, there is no such thing as simultaneous rising in the House — at the discretion of the Speaker.

MR. CHAIRMAN: Is not the question that we're looking at here as to whether a matter of privilege can be raised while the House is discussing a point of order or, on the other hand, can a point of order arise while the House is discussing a matter of privilege. Surely there can be a matter of privilege arise in the House while the members are discussing a matter of privilege. Would that not seem to answer what we're looking . . . ?

MR. GRAHAM: Legal counsel is sitting very quietly.

MR. CLERK: I don't blame him.

MR. KOVNATS: He doesn't know what to say.

MR. CHAIRMAN: Do members wish to take this back and consider it for our next meeting?

Mr. Ransom.

MR. RANSOM: I think we have to consider it further, but it's always been my understanding that the point of privilege took precedence over the point of order and that a person rising on a point of privilege could not be interrupted on a point of order. That is what has been my concern is that there have been so many points of privilege, alleged points of privilege, which are not in fact points of privilege; they cannot be interrupted on a point of order. After the member has put on the record whatever it is they want to put on, the Speaker then rules that the member did not have a point of privilege and no member of the Opposition then has an opportunity to respond to that point of privilege —(Interjection)— which the Speaker has ruled out of order, which gives a substantial latitude for what I would consider to be an abuse of the intent

of the Rules.

MR. CHAIRMAN: If there is nobody else wishing to speak to this motion, I hear the general consensus is a wish to reconsider it further and come back, perhaps, and discuss it the next meeting. That's agreed, can we go to 8 which is on the next page? — which comes back to the question of where is the lobby? Do any members see any need for the lists?

MR. KOVNATS: Is this list supposed to have been in the Clerk's Office, by the way, at all?

MR. CLERK: No.

MR. KOVNATS: Not at all.

MR. CLERK: That's really what I'm saying, Mr. Kovnats, is that we recognize it in the breach more than we do in practice. The rules say we shall do it, but it's never been done all the time that I've been here. I see really no point in the thing because when there is a definite meeting of the committee and certain bills are before the committee that is posted in the normal way. To cause lists of all private bills and petitions to be prepared daily and posted in the lobby seems like a lot of work for nothing. As a matter of fact, I have three petitions right now and if I had to present and put that up every day, change the date I suppose to ensure that you're complying with the rules seems like a lot of work for no useful purpose.

MR. GRAHAM: I'm in agreement with the Clerk. If it serves no useful purpose, why have it in the Rules?

MR. CLERK: I'm not aware of it, Mr. Graham.

MR. CHAIRMAN: Is it the pleasure of the House then to delete Rule 122 from our book? (Agreed) Then we've dealt with No. 4, the last page.

MR. GRAHAM: Mr. Chairman, obviously there has to be some reason for this change and I wonder if this stemmed primarily from activities under Speed-up at some point in time. It seems to me that if a person or a group of people think strongly enough about an amendment or a bill that they want an amendment brought in committee, it is either accepted or rejected and is reported as such; then to move into Third Reading of the Bill on the same day it does somewhat curtail any further activities as to further amendments which can be moved at third reading.

MR. CHAIRMAN: Mr. Reeves, would you like to comment on this?

MR. CLERK: There's only one problem that I see in Mr. Graham's argument and that is our Rule 88(3) which says, "Unless otherwise ordered by the House, the Report Stage on any Bill reported from any Standing or Special Committee shall not be taken into consideration prior to 48 hours," so we must wait 48 hours before that happens.

MR. GRAHAM: This is Committee of the Whole we're talking about.

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MR. CLERK: Committee of the Whole House, that is, any Committee of the Whole. It seems to me that what happens is, for example, Bill No. 9 has been on the Order Paper for God knows how many days now. If somebody wanted to come today and hand me Report Stage amendments, we would deal with them, but at the same time, the House Leader could possibly decide to call Third Reading of a bill.

What I'm saying is that on the conclusion of the 48 hours, unless we have a Report Stage, we put the bill automatically on for Third Reading. If, between the time that the Third Reading is called and the placing of it on the Order Paper, somebody comes in with a Report Stage amendment, we wouldn't deal with that. But to simply say that — I suppose the fact that it says "may be now made at the same sitting" it's permissible. Frankly, I don't know what we're getting at with respect to a Standing Committee . . . bills that are being reported from Standing Committees. I simply don't know what we're getting at. I think that the procedure that we have right now seems to work quite well and there's no need for this reference in Rule 88(14) to bills reported from Standing Committees. That's all I'm attempting to do. Leave the present procedure in place which allows for the 48 hours between the reporting of bills from committees in the Report Stage. Leave that in, as I say, unless we have within that 48 hours received a Report Stage amendment, we'd simply automatically show it on for Third Reading. If, as I say, somewhere between the conclusion of the 48 hours on the calling of the Third Reading something comes in, we'll change it from Third Reading to report stage. But this seems to say that — I don't know exactly what it says — "that the bill be now read a third time and passed," we may make that and the procedures that are in the House seem to cover it anyway. There seems to be no point in this.

That's why I've simply suggested that, after all, a bill that is considered by the Committee of the Whole is different from a bill that is considered by a Standing Committee because the membership on a Standing Committee is somewhat limited. There may be only 11 members of the House are on that committee, so to say that a Standing committee and a Committee of the Whole House is the same thing, I think, is wrong. But a bill that has been considered by the Committee of the Whole House, there should be no need for a Report Stage and that's really what this is saying. As I say, I have no hang-up with it because we managed to get along, but it just doesn't make a hell of a lot of sense to me.

MR. CHAIRMAN: Are you saying that 88(14) is redundant and could be deleted altogether?

MR. CLERK: Well, I would suggest that we leave in the portion dealing with the Committee of the Whole and we use the wording that I have suggested in the second last paragraph which has the effect of deleting all reference to Standing or Special Committees and deals only with Committees of the Whole.

MR. CHAIRMAN: Mr. Anstett.

MR. ANSTETT: In view of the contents of Section 88(4) on page 43, why is (14) necessary at all?

MR. CLERK: I don't know, but it's in there. Again, I rather suspect and I'm going — you were in the House at the time — the adoption of the whole report stage procedure was at the suggestion of Mr. Schreyer at the time and we simply adopted whatever it was that Ottawa had in their rulings and we may have run into certain anomalies as a result of that adoption. So that, you know, unless I checked it, I would not know for sure that subsection (4) and subsection (14) I think you made reference to, that may well be in the Ottawa Rules and, as I say, we picked it up by simply adopting holus-bolus.

MR. ANSTETT: Well, Mr. Chairman, Mr. Graham wonders if it's 88(4) that should be removed. I think basically the new proposed 88(14) to which I certainly have no objections because 88(14) to me does not make sense in the context of the whole report stage mechanism. It makes no sense whatsoever. The intent, as I understand it, of the rules and the way it's operated in the past, when we're reporting from Committee of the Whole is that we can move to third reading immediately.

MR. CLERK: That's right.

MR. ANSTETT: That's the way it has always been. That's been the intent, 88(4) and 88(14) say that, we don't need to say it twice, so only one of them is necessary.

MR. CLERK: I agree. All I wanted to say or make it absolutely clear is that normal procedures, if we consider a bill or a number of bills in the Committee of the Whole today, they would not be on the Order Paper for third reading until tomorrow unless leave is granted by the House. That is the whole reason for 88(14) which allows us to do it if we so choose.

MR. CHAIRMAN: Mr. Graham.

MR. GRAHAM: May I ask a question regarding 88(4). It says: "A bill reported from a Committee of the Whole shall be received and forthwith disposed of, without amendment." Have there been any cases where amendments have been attempted or been desired at that point? 88(4) says that you cannot amend at that point.

MR. CLERK: In other words, it's granted to the Committee of the Whole House.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: I can't recall ever having prepared a Report Stage amendment for a Committee of the Whole House bill.

MR. ANSTETT: The 1974 Legislative Assembly Act.

MR. TALLIN: Maybe, I don't recall.

MR. CLERK: That was in Committee of the Whole, was it not?

MR. ANSTETT: I thought there was also a Report

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Stage amendment.

MR. CLERK: Unless we read on certain things and we would do it at a report stage amendment.

MR. GRAHAM: I would be more concerned about 88(4).

MR. ANSTETT: Yes, I see your point. That's an order to the Assembly to pass that bill through Third Reading if it gets through Committee. Mr. Chairman, 88(4) does have an anomaly in it, in that it's an order to the Assembly to pass the bill if it's reported from Committee of the Whole.

MR. TALLIN: No, it's not an order to the Assembly.

MR. ANSTETT: Pardon?

MR. TALLIN: To dispose of it.

MR. ANSTETT: To deal with it immediately, it gives that bill coming out of Committee the Whole precedence over all other business and it must be done immediately, forthwith disposed of without amendment.

MR. CLERK: (4) say "shall" and (14) say "may."

MR. ANSTETT: I'd rather go with "may," so I'd rather stick with (14) but then wipe out (4).

MR. GRAHAM: I think it desires a little more thought than what we have given to it at this particular time.

MR. CHAIRMAN: Is it the pleasure of the committee to take this away and give it some more consideration before we meet again? (Agreed)

Mr. Ransom.

MR. RANSOM: I think we need a little more history to the background of these sections and it appears that some change needs to be made, but I agree that we perhaps shouldn't make it hastily.

MR. CHAIRMAN: Mr. Tallin.

MR. TALLIN: I'm just wondering whether the present 88(14) is perhaps badly worded. Perhaps it meant that when the bill comes from a Standing Committee and no amendment has been made in the Standing Committee, you may proceed immediately, because then presumably the bill is satisfactory to the committee and in the state it is and that's the state that it was discussed on second reading. But if an amendment has been made in committee, then it's a new matter that the House must consider or perhaps some new matter that the House must consider; therefore, it shouldn't be proceeded with at the same sitting.

MR. ANSTETT: Mr. Chairman, my understanding of the report stage procedure is to give access to amending power to members of the House who are not members of the committee, and that being the case, I don't we would want to make it a requirement that the bill have been amended in committee to allow an

amendment at report stage.

MR. TALLIN: Oh, no, no, no. I wasn't cutting out the report stage, I was just saying that the only time you would allow them to proceed was where there was no amendment in committee; it's a permissive thing. But I agree that this matter really only arises during the Speed-up portion of the House and this would be one of the rules that in this 48-hour suspension would be one of the rules that might be affected by any Speed-up resolution.

MR. CHAIRMAN: Do we have agreement of the Committee to defer this until our next meeting to allow members to give it more thought? Agreed? (Agreed) That completes those items on the agenda.

Is there any new business, any other matters that members wish to bring up? If there is nothing else, Committee adjourned