



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

STANDING COMMITTEE
on
RULES OF THE HOUSE

33 Elizabeth II

Chairman
Hon. J. Walding
Constituency of St. Vital



MG-8640

VOL. XXXI No. 5 - 10:00 a.m., THURSDAY, 13 DECEMBER, 1984.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Hon. Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BIRT, Charles T.	Fort Garry	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Q.C., Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	IND
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virden	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Hon. Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON RULES OF THE HOUSE
Thursday, 13 December, 1984

TIME — 10:00 a.m.

LOCATION — Winnipeg, Manitoba

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

ATTENDANCE — QUORUM - 5

Members of the Committee present:

Hon. Messrs. Anstett, Storie

Messrs. Eyer, Graham, Mercier, Santos, Scott

MATTERS UNDER DISCUSSION:

1. Adoption of Agenda.
2. Provision of Committee Agenda and Supporting Material to News Media.
3. Proposed Rules' Amendment respecting Voting Procedure in Committee of Supply.
4. Guaranteed Minimum Debating Time for Constitutional Matters.
5. Proposed Rules' Amendment to Permit Government House Leader to call Private Members' Bills.
6. Consideration of a Smoking/No-smoking Policy to apply to Committee Meetings.
7. Proposed Amendments to Rules respecting Petitions, Public Bills and Private Bills.
8. Review of Previous Speakers' Rulings.
9. Private Members' Hour.
10. Correspondence Regarding Representation.
11. Quality of Printing in Rule Book.
12. Office of Legislative Counsel.
13. Rule on Time Limit of Bell Ringing.

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MR. CHAIRMAN: Order please. There being a quorum, the committee will come to order. Before we get to the first item on the agenda, there are two procedural matters.

I have received the resignations from the committee from Mr. Fox and from Mr. Penner. Is it the will of the committee to accept those? (Agreed) Agreed and so ordered.

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I'd like to nominate Mr. Storie to replace Mr. Penner, and Mr. Eyer to replace Mr. Fox.

MR. CHAIRMAN: Mr. Eyer has been nominated to the committee. Is that agreed? (Agreed) And Mr. Storie has

been nominated to the committee; is that agreed? (Agreed) Agreed and so ordered.

NO. 1 - ADOPTION OF AGENDA

MR. CHAIRMAN: The agenda has been circulated. Item No. 1 is the adoption of the agenda. It is the same as last time with the exception of Item 2, which has been put in there to be taken care of before we get into the meeting itself. It's self-explanatory.

Mr. Santos.

MR. C. SANTOS: I move the adoption of the agenda.

HON. A. ANSTETT: Mr. Chairman, Mr. Enns has raised with me an additional item for the agenda relating to Private Members' Hour and it was hoped that we could have a preliminary discussion on that item at this meeting.

I would like to add that item, please.

MR. CHAIRMAN: I'll put that in under Other Business.

There was one item of correspondence handed to me this morning that can go in under Other Business, too.

With those additions, is the agenda agreed? (Agreed) Agreed and so ordered.

Item No. 2. Mr. Graham.

MR. H. GRAHAM: I would like to have another item added to the agenda, if time permits, dealing with the quality of the printing of the Rules; we received our new rules the other day. This item has been raised before and I would like to raise it again.

MR. CHAIRMAN: Will you then raise it under Other Business?

**NO. 2 - PROVISION OF COMMITTEE
AGENDA
AND SUPPORTING MATERIAL TO NEWS
MEDIA**

MR. CHAIRMAN: Item No. 2, there have been requests from the press to receive background material to know what it is the committee is discussing at any one time, and before handing out that material, which is sometimes somewhat voluminous, the committee is asked to give its opinion on that matter. What is your will and pleasure?

Mr. Mercier.

MR. G. MERCIER: Not on that matter, Mr. Chairman, but I'd like to raise an additional item on the agenda and that's the Office of the Legislative Counsel.

MR. CHAIRMAN: Would you bring it up under Other Business and we'll decide at that time whether it is a suitable matter for the Rules Committee to discuss.

Mr. Anstett, Item No. 2.

HON. A. ANSTETT: Yes, Mr. Chairman, I wish Mr. Enns were here; we did have an opportunity last week to review some of these agenda items and I haven't had that opportunity with other members of the committee, either on my side or on the opposition side, unfortunately.

When we discussed this, I think it would be fair to say that we were agreed in the position that the same rules should apply in Rules Committee which apply in the other Standing Committees of the House with regard to the distribution of material in the committee; and that is that when it becomes public to the committee it should be distributed so that background material, when that item is before the committee, should be distributed just as amendments to bills when they're proposed in committee are then distributed, but that the provision in advance of the agenda and background material, prior to the committee dealing with that, would not be appropriate. It was felt that the normal distribution pattern that has obtained - well, in this case the material wasn't available that far in advance anyway, but members often don't have much of an opportunity to peruse the material before committee and that the material should only be distributed at the committee when the items are under consideration.

MR. CHAIRMAN: Any other opinions?

The suggestion then before the committee is that any background material can be distributed to the press at the same time that matter on the agenda reaches the attention of the committee. Is that right?

Your will and pleasure on the agenda itself?

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, the normal practice with regard to other committees is to advise with the notice of the meeting, what the matters before the committee will be, so I think it's appropriate that the agenda be circulated with the notice of the meeting. I believe that is the case for the most part with other committees in which we reference the bills that are referred, and I think the same thing would be appropriate with the Rules Committee to give an indication of the business before the committee.

It may not be a final, formal copy of the agenda, but I see no reason why that can't be laid out as it is with other committee notices.

I wouldn't want to preclude the Clerk adding items the day before or two days before by publishing an agenda two weeks in advance, but there is no reason that that notice can't go out, or a copy of the agenda or proposed agenda, go out with the notice of the meeting both to the media, as well as the members.

MR. H. GRAHAM: I would like to add to what Mr. Anstett has said, that any other item that any member wishes to raise, as well as the Clerk.

MR. CHAIRMAN: Anything further? Is that then agreed. (Agreed)

NO. 3 - PROPOSED RULES' AMENDMENT RESPECTING VOTING PROCEDURE IN COMMITTEE OF SUPPLY

MR. CHAIRMAN: Item No. 3. Proposed Rules' Amendment Respecting Voting Procedure in Committee

of Supply. Some background material went out to members on that, I believe.

HON. A. ANSTETT: Could we have a few moments to read it? I have not had a prior opportunity, I don't know about my colleagues.

MR. G. MERCIER: I take it, Mr. Chairman, that the first option would give the Government House Leader the greatest discretion to call Private Members' bills or resolutions or any private member matter.

MR. CHAIRMAN: We're on Voting Procedure, Item 3.

MR. G. MERCIER: Okay.

MR. CHAIRMAN: We'll take a few more minutes to allow all members to thoroughly peruse the material.

MR. H. GRAHAM: Mr. Chairman, I believe there's a member that may wish to raise an issue dealing with Private Members' Hour.

MR. CHAIRMAN: Does that refer to this item?

MR. H. GRAHAM: No, but it does refer to Private Members' Hour and because the - we're dealing with Committee of Supply? Okay, I'm sorry.

MR. G. MERCIER: Mr. Chairman, the one item that appears to be in this rule that certainly was not discussed, and I would not be supportive of this, is the requirement that four or more members demand that a formal vote be taken. I think there's no reference to that in our discussion and I think we know quite often in Committee of Supply there can be situations where from the opposition's position certainly, you may only have the Critic and the Deputy Critic in the committee and perhaps not that many more on the government side. I'm not referring particularly to this government but whoever is in government. So I would not support this requirement that there be four or more members. I think simply — (Interjection) — for a voice vote. — (Interjection) — And the formal vote.

MR. CHAIRMAN: One at a time, please.
Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman, I also was surprised to see (7)(1) which required four members, I believe, to take a voice vote. That's what's implied here, that a voice vote will only be taken where four members have demanded a formal vote. The current rule, as I understand it, requires, since a formal vote or count-out is a division, that four members request it. Mr. Mercier has quite accurately pointed out that since we sit in sections of the Committee of Supply we have often, when count-outs have been requested, not had four members of the side that is asking for the count-out, but the request has been observed. And we may wish to consider changing that rule. But any request for a division and a count-out or formal

recording of names through what we refer to as Yeas and Nays has required four members to request it.

What I find anomalous about the way this rule is drafted compared to our discussion is the reference to the taking of the voice vote. We know that - we've never referred to voice votes before in the rule, maybe that's where I'm having a problem. I think all we want to say is that a demand for a count-out or a request for a count-out cannot take place until after there's been a voice vote. And I would be agreeable, although both sides may wish to caucus the final draft of the rule before we incorporate it in our rules, to lowering the request, or eliminating the number required for a request for a formal count-out in Committee of Supply. I wouldn't wipe out the four-member minimum in the House or in other Committees of the Whole where it's expected that all members would be there, but when we're sitting in two sections, the four-member minimum has essentially been ignored in the past, and I think Mr. Mercier's point is well taken. — (Interjection) — Ten?

MR. CHAIRMAN: Rule 65(9)(a.1).

HON. A. ANSTETT: . . . the four members is 10. No. Oh, yes, it is. 10(7).

MR. D. SCOTT: Also at (9)(a.1), too, on Page 39.

MR. CHAIRMAN: Mr. Eyler.

MR. P. EYLER: If that issue has been resolved; I have a different one. I don't want to change the topic at this time.

MR. CHAIRMAN: I'll come back to you.
Mr. Mercier.

MR. G. MERCIER: Mr. Chairman, I would take the position that the requirement for numbers in Committee of Supply be eliminated. I think the Government House Leader would agree with that. I don't know whether you have to make the rule - except this Rule 10(7). It has certainly been the practice in the House in the past not to utilize that rule in Committee of Supply.

HON. A. ANSTETT: And excepting 65.(9)(a.1) on Page 39, that Don was pointing out.

Mr. Chairman, I think this makes sense. I don't believe we've, to be quite honest, stood hard and fast on (9)(a.1), which requires four votes for a formal count-out in committee. In fact, I think any time a count-out has been requested, it has occurred, and no one has asked, "Does the member have support?" in committee, certainly not in Committee of Supply.

I think it makes sense; it's something I had not raised with caucus when we discussed the Rules changes and the straightening out of the Committee of Supply voting procedures, and I think we would want to take the draft rules back to our respective caucuses anyway. So I can't give a guarantee of that, but I'll certainly recommend that that be removed to our caucus.

I have a more specific concern about the drafting in (7.1) and (7.2) in reference to a voice vote and perhaps it's only fair, since I believe the Clerk participated in

drafting this, to have an explanation as to why this was worded this way and there may be a reasonable explanation for making reference to the voice vote.

MR. CHAIRMAN: Mr. Remnant.

MR. CLERK, W. Remnant: Basically, if you go back to the document, the background paper that was provided at the earlier meeting, what it made clear was that there was a great deal of confusion about what constituted a formal vote as referred to in the Rules respecting Committee of Supply. There was a lot of confusion about the practice to be followed when one was called for and this is all explained in that background paper.

The suggestion had been made on March 22nd, whereby a practice might be agreed upon or written into the Rules whereby voice votes, only, would be held in sections of the Committee of Supply; and count-outs, only, before both sections of the committee meeting in the House.

Now, that was the general consensus arrived at on March 22nd, and the instructions on the November 8th meeting, as I read them, and I have reread the Hansard of that meeting, confirmed that approach with a further addition to ensure that a vote started before 10 o'clock was allowed to run to its conclusion, whether or not that took the sitting past 10 o'clock.

HON. A. ANSTETT: To this same point then. I guess my problem, and I look to other members to see whether they see the same problem is that in proposed new rule (7.1) whether in either section of the Committee of Supply, four or more members demand that a formal vote be taken, a voice vote shall be taken in that section of the committee. I believe that four or more members or any member requesting a count-out only does so, and it's usually the opposition, after the Chairman has said that the item passes, and agrees that it passes. And if he hears any nays, when the Chairman calls pass, he then hesitates and says, "There appears to be some objection, all those in favour please say aye, all those opposed please say nay," and declares the result. The item is passed. So a voice vote automatically occurs, without any request. And the suggestion that one member or four members have to make a request to enable a voice vote to occur, a voice vote occurs if any objection is heard, when the Chairman puts the question.

So I don't know if we need (7.1) at all. I think (7.2) suffices where it reads, Where, immediately following the taking of a voice vote, a member demands that a formal vote be taken the members shall be called in, and we could just renumber accordingly and eliminate (7.1) and the reference to four members, and I think we might be on the same wavelength.

MR. G. MERCIER: Perhaps, Mr. Chairman, if (7.1) read simply, Where, in either section of the Committee of Supply a member may demand that a voice vote shall be taken in that section of the committee - just to reinforce that a member may ask for a voice vote. There's no necessity for that, may demand that a formal vote be taken, just that a member may demand that a voice vote shall be taken in that section of the committee.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: Mr. Chairman, a member, I believe, has that at all times anyway. Any member may ask at any time for a voice vote and I don't know that that part of it has to be written in because that is standard procedure. Where we've run into some difficulties is on the calling for a recorded vote and with the split committee and that's where the difference comes in. I think just the part we have to look at is the split committee and pulling the committees together to be able to conduct a formal vote.

MR. C. SANTOS: Mr. Chairman, I think the confusion lies in the meaning of formal vote, whether we mean or include the voice vote itself if it's counted as a formal vote.

MR. P. EYLER: Going back to what Mr. Anstett said, I can see his line of thought there, but the problem is that oftentimes the opposition makes to make a point by having a counted-out vote in one section of the committee only. It seems to me that what Mr. Anstett is proposing eliminates that intermediate step between a voice vote and the counted vote in both committees at once, which is disruptive, and maybe not necessarily the intention of the opposition at the time of making their point.

HON. A. ANSTETT: Mr. Chairman, I think both sides agreed at previous meetings that the purpose of having a count-out in only one section of the committee, without allowing the division bells to ring, could lead to embarrassment of the government if all their members were in the other section of the committee, and that was an unacceptable situation, regardless of which party was government, to be defeated in one section and then have the matter confirmed in the other. That was the issue that the rules change was to address, and it certainly makes things more complicated, but it avoids that potential occurring.

MR. D. SCOTT: Mr. Chairman, if I could move beyond that particular point and consider, and perhaps give somewhat of a dissenting voice here, in that I feel that there is some need for some members, more than one member, to demand that a recorded vote be taken.

The reason I raise this is because of potential procedural delays and using it as a procedural tactic to slow down or to disrupt the regular proceedings of the House. One individual member could, if they wanted to, disrupt two committees continuously by calling for recorded votes, where they don't have to have any support for that recorded vote, even if it's just two members, or perhaps three, four may be a bit high given that both committees are sitting parallel. I'm just afraid of a potential wild card, or the person using the wild card, and the four may be - I don't think the four should be much of a problem.

In my experience in the last couple years, we generally have four members on both sides attend committee meetings; at least in most instances there is. It may cause us some more internal discipline on behalf of individual members and on behalf of parties to be make sure that we have a sufficient number of people in.

The idea of leaving it completely open I think presents or gives us a potential problem for a wild card and that is probably the reason that the four was put in there in the first place.

MR. H. GRAHAM: Mr. Chairman, I think that we all have a tendency here to think about the immediate situation. I would like to draw your attention to maybe what happens in other jurisdictions, and there is a strong possibility that it could happen here.

If you had that type of rule in Alberta, where there are only four members in total in opposition, or you go to Saskatchewan where there are only seven, and I have strong reason to believe that after the next election the opposition in this province may have only five to seven members, so we have to devise rules that look after the future as well as the present.

We have to consider the possibility that at some time the opposition may be a very very small number in total, and the rules have to apply to them as well as the present time.

HON. A. ANSTETT: I didn't know things were so bad in Virden.

MR. H. GRAHAM: Things in Virden are a lot better than they are in Springfield.

I think that the point that Mr. Mercier has raised is a pretty valid point to consider, because we're looking at the rules that will apply in future Legislatures as well.

MR. C. SANTOS: Mr. Chairman, what we are trying to do here is to remedy a situation where there is a duplication of procedure in the committees separately, a voice vote being taken then and then another vote being taken somewhere else in the Committee of the Whole. What we are trying to do is to synchronize the voting so that the members will not do the same thing twice.

It seems to me that in the committee, sitting separately, if any member would like to demand a voice vote, the chairman is more or less under obligation to call a vote, and once the outcome of that vote is already ascertained, there might be satisfaction or dissatisfaction among the members of the committee. If he senses there is dissatisfaction, probably it might be necessary to call the Committee of Supply to meet together, if they are meeting separately, and decide then and there, in a formal count-out vote, the division of members of the committee. That's what we are trying to do.

I don't see any need for a requirement at all for a voice vote to be taken, that any condition be made a condition before that event can happen, that there be a demand of any number of members. I don't see any need for such. The number of members required as a precondition to a vote being taken presupposes that the vote being taken is a formal recorded vote, and that is already written in our Rules, and that will normally happen in the Committee of Supply, meeting in the Chamber or meeting together.

I think the House Leader is right. We may want to eliminate (7.1) and say that "Where, immediately following the taking of a voice vote a member demand that a formal recorded vote be taken, the members

may be called in, both sections of the Committee of Supply shall meet together and a count-out recorded vote shall be taken."

In other words, we can eliminate (7.1) and then amend (7.2) and renumber the whole thing.

HON. A. ANSTETT: Mr. Chairman, I believe there may be agreement on the elimination of the voice vote requirements since it is automatic. I don't know if that is a problem, but there may be some debate about the elimination of the four or more member request.

If we have agreement on the voice vote question, because in effect a formal vote is never requested until the Chairman has ruled one way or the other on the putting of the question to the committee, then what we would have to take back for further discussion would be the number of members, and we would have to discuss amending 65(9)(a.1) as well.

Perhaps, Mr. Chairman, if members are agreeable, we can eliminate (7.1) and start at (7.2), drop out the words in (7.2) "pursuant to sub-rule (7.1) four or more" - all of those words - and then insert a question mark and we'll go to our caucuses and come back and determine what the question mark should be.

I think other than that, unless other members have concerns, I have no trouble with the balance of rule as proposed. So it would read, "Where, immediately following the taking of a voice vote, (question mark) number of, members demand that a formal vote be taken, the members shall be called in" etc. We'll just have to fill in that blank at the next meeting.

Mr. Chairman, if that is acceptable, I would suggest, and I defer to my colleagues on this, I don't suggest it definitively, but since the Committee of Supply is split in half, perhaps the formal vote requirement could be split in half, for two. There may be those who want to keep it at four. I can see some merit in Mr. Scott's argument that one may not be appropriate since the original four member requirement was pegged to the number of members required to be a recognized party in the House and I think that connection is probably fairly legitimate; but a reduction to two and then a subsequent amendment to reflect that in (9)(a.1) might be the reasonable compromise, but I think that will require some discussion.

MR. CHAIRMAN: Further discussion? Okay, we'll defer that matter and redraft the rules with the numbers left blank for the next meeting and it will be on the agenda for the next meeting. Is that agreed?

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, that's an agreeable suggestion. Could I ask the Clerk to distribute to all members of the committee the redrafted rule with the blank in it so that we can then take it to our caucuses in that form, rather than explain the changes that have already been agreed upon.

MR. P. EYLER: Mr. Chairman, on a different point. On (7.3) it says, "both sections of the Committee of Supply may meet together in or outside the Chamber." This being the other place, it doesn't look very practical to me to have 56 people running into a room like this where there's obvious problems milling with staff, staff

advisers, Ministers' advisers, that sort of thing. I would think that logically, if you're going to disrupt both committees, you might as well have the vote taken in the Chamber where it's easier to identify people.

HON. A. ANSTETT: I think, Mr. Chairman, that that would be the intention, that the Chamber would be the locus for the vote. However, there will be situations where many of the members are not attending in this committee, where the section sitting in the House has risen, the Mace is gone, and the Chamber is shut down and locked, but other members who were in that committee are in their offices working or whatever, and to then leave this committee room, open up the Chamber, hold a vote and then come back here, reactivate sound equipment and everything else, doesn't seem practical. And I think the logistic difficulties of ensuring that all staff members are seated and the public is seated while members stand to be counted would not be that serious because members do stand for the count. — (Interjection) — It also takes 15 minutes to crank the House lights back up to operating level. Is that how we got the bell limit?

MR. CHAIRMAN: Is there anything further? If that's agreed, we can then move on to the next item on the agenda, Item No. 4.

NO. 4 - GUARANTEED MINIMUM DEBATING TIME FOR CONSTITUTIONAL MATTERS

MR. CHAIRMAN: There are no background items on Item No. 4.

Mr. Anstett.

HON. A. ANSTETT: I discussed this item with Mr. Enns last week and we agreed we would defer this since we don't have the background drafting reflecting our last discussion and the amendments that were proposed last spring.

MR. CHAIRMAN: Any further discussion? We will then move on to Item No. 5.

NO. 5 - PROPOSED RULES' AMENDMENT TO PERMIT THE GOVERNMENT HOUSE LEADER TO CALL PRIVATE MEMBERS' BILLS

MR. CHAIRMAN: There is a background paper marked with the No. 5 at the top with three suggestions appearing on it reflecting the opinions given at the last meeting, if you recall. I'll give members a couple of minutes just to recall.

Mr. Mercier.

MR. G. MERCIER: Mr. Chairman, the first alternative, (a), seems to give the Government House Leader the greatest discretion in calling Private Members' business, and that would be the one I think I would support. I'm not going to repeat the arguments I made the last time, but I think if there is any opportunity to have Private Members' matters called then I think that will encourage

private members. I appreciate that it will be selective, but no matter who is in government, the Government House Leader will have to take the political responsibility for calling whatever he calls.

MR. D. SCOTT: I would agree with that, Mr. Chairman.

HON. A. ANSTETT: Mr. Chairman, I think proposal (a) conforms with the practice we've used under Speed-up, and the purpose of changing the rule is to allow us to continue that practice in those Sessions when we managed to avoid Speed-up in the dying days of the Session, which some of us would hope to do. A memo I received from the Clerk today, which was just a covering memo to a copy of these because I asked him some questions with regard to what was done in other jurisdictions, contains an interesting citation from Beauchesne and references the House of Commons Standing Order and, since members don't have the memo, I'll read the citation referencing the order.

"No control is conceded to a Minister over orders standing in the names of private members which are governed by the ordinary rules of priority although the consideration of those orders may be stood at the request of government."

I'm not sure the impact is any different than it would be under our proposed rule (a). It's a question of calling at the request, rather than standing at the request. But they would have to be then each called and stood, rather than the choice of what would be called. I'm not sure what the difference would be. If the Clerk sees a substantive difference, I'd appreciate his comment, otherwise I'm prepared to adopt (a), but it does appear that this is an option that we haven't considered. No substantive difference? Okay.

Then, Mr. Chairman, I'm agreeable to go with (a).

MR. CHAIRMAN: Any further discussion?

The committee then has agreed to the change as outlined in (a). Is that agreed? (Agreed)

NO. 6 - CONSIDERATION OF A SMOKING/ NO SMOKING POLICY TO APPLY TO COMMITTEE MEETINGS

MR. CHAIRMAN: Item No. 6, Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I first wish to advise the committee that I may have a perceived conflict of interest on this matter. Mr. Enns, who I take it would also be considered to have the same perceived conflict of interest, and I discussed this. I won't say that there is a consensus amongst our caucuses in any way, and he reflected that, and I said the same of our caucus, but I think were he here he would say that he would be prepared to live with something, as I am, which provides some respect for the City of Winnipeg By-law while, at the same time, does not preclude members or the public from smoking in committee, which basically would provide for partition, and would provide for no distinction at the committee table on the assumption that members would have some respect for each and that rather than sitting, if it became a matter of concern in respect for other members, there might be an

inclination for members to sit at the table based on their habits, rather than on their political affiliation on occasion, or somewhere down the side of the table; and that in the public gallery we would have a smoking and a non-smoking area, probably divide the room in half, rather than get into an extensive debate between smokers and non-smokers, some of whom are very sensitive on the matter, about their rights to smoke in the committee room.

I make the suggestion, knowing that it will find both favour and disfavour from members on both sides, that we make no rule with respect to the committee table, but that the public gallery areas be partitioned in half as smoking and non-smoking areas.

MR. C. SANTOS: I take it, Mr. Chairman, that by making no rules, the intention is to observe the City By-law as far as we could go, and I make the observation that if there is any conflict of interest in existence, and the interest is between private interest and the public interest, I submit the public interest should take precedence.

Therefore, those members who are under the influence of nicotine, and who cannot reasonably exist comfortably without it, should at least restrain themselves because the public interest here is at stake.

I see the fallacy of dividing the room like in the airline, where there is a smoking and non-smoking section, when you know that you cannot prevent the air and the smoke from circulating.

I'd like to say that as far as possible we should observe, and the intention is that, despite the absence of any written rule, let it be of record that it is the intention of this Legislature to abide, as far as can possibly and humanly be done, to abide by the City By-law.

MR. H. GRAHAM: Mr. Chairman, I think the suggestion made by the Honourable Government House Leader may have forgotten that half of our committee meetings are probably held in the Chamber where it has been a long-standing tradition, with the exception of the Minister that is presenting the Estimates, for people to remain in their allotted seats, so it may cause a problem there. However, there may be some intention on the part of the government to do all committee work in the two committee rooms that are here and, if that is the case, I would hope that he would inform members if that is the intention down the road.

I just raise these matters, because if you're talking about having an allocated area for smoking, the long-standing tradition of the House may have to be changed.

MR. P. EYLER: I recognize the objections there raised by Mr. Graham, and my objections are more to dividing the table into four quarters now in the committees. Mr. Anstett talks about voluntary seating arrangements and I know from caucus that voluntary seating arrangement don't always work that effectively.

To talk about voluntarily sitting beside smokers or non-smokers; voluntarily sitting with the opposition or the government; voluntarily sitting here and there, it becomes quite unmanageable, and I think that while it's quite appropriate to have two partitions for the public as a whole, I think that the rule should be uniform

in committee for the committee members and I believe there should be no smoking in the committees.

MR. G. MERCIER: Mr. Chairman, I had hoped that the Government House Leader would have been able to bring forward a position on behalf of the Government Caucus, but it would appear that he is unable to do so.

I think the . . .

HON. A. ANSTETT: What's your caucus's position?

MR. G. MERCIER: We're in a position generally where we have to react a great deal to the government position, there's no position.

I think the comments of the Government House Leader frankly ignore the well-documented public health information that you can't resolve this matter and satisfy the legitimate concerns of many people by simply dividing the room 50-50 because, particularly in a room like this where there is really no air-conditioning system which would take away the smoke, that simply won't happen in any of our committee rooms.

I think the Legislature has to consider those legitimate concerns of people who are adversely affected by smoke. I, frankly, in this day and age with these well-documented public health concerns, see no alternative but to banning smoking in the committee room. I think it's the only legitimate way to proceed.

HON. A. ANSTETT: Mr. Chairman . . .

MR. CHAIRMAN: Mr. Scott or Mr. Anstett.

MR. D. SCOTT: I'll let Mr. Anstett go first.

HON. A. ANSTETT: Mr. Chairman, I respect the views of the Member for St. Norbert, Mr. Mercier, and personally I agree with him, but I did not have a mandate from my caucus to make that proposal, but despite the fact that I am a smoker I think personally the banning of smoking in public areas, such as our committee rooms and the Chamber itself in which the public sits in the gallery, and in which the ventilation is not much better than it is in committee rooms, is not at all inappropriate and would conform with the City By-law. But if that is the proposal that is being made by a majority of committee members, I think that before we decide to pursue that and draft a rule - although we could have the Clerk draft it - before we approve that I think we should go back to our respective caucuses because, although that is my personal feeling and communicated that to caucus, despite my nicotine habit and despite the fact that I suspect the majority of the members feel that way, there are some strongly held minority opinions, as members are aware.

MR. D. SCOTT: Mr. Chairman, I find it a great deal of pleasure today to be backing up, in my second instance now, Mr. Mercier's position. The issue is an issue of public health. We, in government, should start to realize more and more now the implications on our ability to pay for our health system and moving towards preventative health, which is what the Honourable Minister of Health is doing. Whether he always sets the perfect example himself or not is not the point.

We have a situation where smoking is considered to be, by scientific evidence now, probably the greatest single health hazard that we have in our society contributing to the illness of our population. We have a role as a Legislature and it has been respected in Legislatures - I think ever since smoking began back when maybe Sir Walter Raleigh took the filthy habit back from North America to Europe - that smoking has not been permitted in the Legislative Chambers, and it was because it was a matter of decorum, primarily. We had that here and still maintain it while the Legislature is in formal Session, but when we are informal, in committees or in Committee of the Whole, smoking is permitted. I think that it was a step backwards to allow the smoking in committee rooms years and years ago - I don't know when it started - but then when that happened certainly it was not considered to be an issue of public health.

The idea that one should treat the public differently than treating members around the table, I think, is very improper as well. I feel that our issue of whether we have a ban on smoking in this room should apply to the members of the committees equally as to the members of the public. In looking at the City By-law certainly this building does not come under the jurisdiction of a city by-law, but in looking at the nature of which the city by-law was brought in, I think it would be somewhat ironic that we have the public institution which pays predominantly and maintains our health institutions in our health care system, that we do not go along and show moral support, as well as active support, for a progressive step that has been taken by the city fathers and mothers.

I had, after this came up last time and there was some coverage in the press about it, a call from one person in particular and they are concerned in showing some of the inadequacies when you try to divide a room or a space up. In the last committee room I referred to aircraft, and certainly the attempts to have smoking and non-smoking sections in aircraft have very very little effect, it doesn't matter where you sit in the aircraft you still come off smelling as if you were sitting in the smoking section, the same eye irritation or whatever else sense is bothered by the smoke.

But I understand that in buses, certainly in the city transit, you're not allowed to smoke, and that's accepted by the public; but when you get on our highway buses there's smoking and non-smoking sections. And the odd part about it is that the smoking section is at the front of the bus, the non-smoking section in the back of the bus, and yet the ventilation system moves the air from the back to the front, which really does not make an awful lot of sense. It shows, I guess, an initial attempt by the bus companies to try and accommodate, and yet not still accommodate, the needs of people who do not want to be sitting in an atmosphere, in a tube in a bus, without the negative impacts of smoke.

In this room it's no different. There's no ventilation system at all in this room, other than a couple of fans at the side of the room which are on intermittently. To try and say that you're going to smoke on one side and not on the other side of this committee room is basically trying to make a symbolic gesture which means absolutely nothing, because . . .

HON. A. ANSTETT: An unworkable compromise.

MR. D. SCOTT: It is an unworkable compromise, as the Government House Leader has just suggested. It does more damage, I think, than good, from the public health standpoint, because it tries to justify people's concerns of non-smokers and people who need clean air; it tries to justify their stance and the public health stance by saying, well, you're going to have a part of the room where there are not smokers present when, in fact, the air that you're breathing in the whole room is affected, so it really is self-defeating and is simply cosmetic.

Therefore, I think we must take this back to our caucuses. I don't know if you have taken it formally to your caucus; I don't know that it is necessary in our caucus, I know it hasn't come back to us since our last meeting on a formal basis, but on that basis, okay, I shall make a motion. Will you second the motion, Mr. Mercier?

Okay, I will make a motion then, that we instruct the Clerk's Office to prepare a draft rule change, or policy - it does not need to be in the rules I guess, as much as policy - if it's felt that it should be in the rules, then all the better. I would prefer to have it in the rules in some way because then you have something to refer to, the Chairman has something to refer to at least when you're dealing with placards and that sort of thing. I believe that is in our rules so it would be the same coverage, is it not?

So I would move that the committee instruct the Clerk of the Legislature to draft either a policy or a rule, which shall be determined at the next meeting, to prohibit smoking in all committee sittings, and in the House.

MR. CHAIRMAN: I don't think we got that all down. Would you like to write it out?

MR. D. SCOTT: Sure.

MR. CHAIRMAN: And while you are doing that, Mr. Santos.

MR. C. SANTOS: I'd like to support the motion, Mr. Chairman. Of course, I respect the right of non-smokers to their pursuit of happiness and yet, to me, a person's right to life is being affected adversely by insistence that we accede to the existing situation right now. It seems to me that the hallways are always open, if there is an irresistible urge on the part of anyone to light up a cigarette they can always go out in the hallway, have their puff out there and then come back. In the universities, particularly at the University of Manitoba, there is absolutely no smoking now in all classrooms. If any student would like to smoke because of his irrepensible urge, then the student automatically will have to go out for awhile from class, smoke a little bit outside in the hallway and then come back. That we can do here in the Legislature.

It seems to me that it's all validated scientifically that smoking is prejudicial to life and to good health and with all the evidence that we have I cannot imagine how any reasonable person can still insist on the existing habit of people to smoke in close rooms, especially during winter time when you cannot even open the windows.

So I would support this motion wholeheartedly on the basis that the public interest should prevail over any conflict private interest of members.

MR. H. GRAHAM: Mr. Chairman, I'd like to deal with the resolution and I would like to have the wording of it correctly so I can properly address the subject matter.

MR. D. SCOTT: Mr. Chairman, I have the resolution drawn up.

THAT this committee directs the Clerk of the Legislature to draft a rule which would prohibit smoking at all legislative committee meetings, be they in the Chamber, committee rooms, or other places, and that the Clerk present some arguments on whether the rule be written as a rule in the Rule Book, or that it be adopted as a policy.

MR. CHAIRMAN: For your benefit, Mr. Graham, and those of the committee, it is moved by Mr. Scott:

THAT the committee directs the Clerk of the Legislature to draft a rule which would prohibit smoking at all Legislature committee meetings, be they in the Chamber, committee rooms or other places, and that the Clerk present some arguments on whether or not the rule be written as a rule in the Rule Book, or that it be adopted as a policy.

Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, I think that's putting a terrible load on the shoulder of the Clerk. It's something that I think should be dealt with. — (Interjection) — No, I'm debating the motion. If you want to . . .

HON. A. ANSTETT: Mr. Chairman, I raise a point of order respecting the admissibility of the motion, in that it requires staff to address a policy issue. I don't think that's appropriate.

MR. CHAIRMAN: I believe that the motion is in order. Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, addressing it, I don't think it is the role of the Clerk to present arguments when it comes to the point of policy. I think that policy is something that is clearly in the purview of the members and you are placing the Clerk in a very tenuous position, asking him to prepare policy papers for the use of this committee. I think it is the role of members to deal with policy; the Clerk's role should clearly be a technical one. I would not support the motion on that basis.

HON. A. ANSTETT: Mr. Chairman, can I propose an amendment to meet Mr. Graham's concern? We amend the motion to strike out the word . . .

MR. CHAIRMAN: I'll put you on my list with Mr. Mercier and Mr. Santos.

MR. G. MERCIER: Mr. Chairman, I think the policy is dealt with in the first part of the motion, and the reference to the Clerk's Office is a technical or procedural one. Should the policy be adopted as a

policy or be adopted as a rule? I don't think the motion is asking the Clerk to deal with the merits of the policy question, but just the technical aspects.

MR. C. SANTOS: I think the motion is being misunderstood in the sense that the motion is not asking the Clerk to write the policy, but merely to write the rule if there is a need to put the rule in the Rule Book, I mean the proposal, the draft proposal of the rule.

The policy, of course, is to be decided by this committee. If it would simplify this, I would strike any phrase in that motion that will imply that it is the policy that is being written by the Clerk.

I therefore would move to amend by saying simply - to strike out the motion and say simply that it be a policy of the Rules Committee that there be no smoking in the Chamber or in the committee rooms of the House.

HON. A. ANSTETT: A point of order, Mr. Chairman.

MR. CHAIRMAN: What's the point of order?

HON. A. ANSTETT: The point of order, Sir, is that the amendment should be inadmissible in that although it conforms with the overall spirit of the original motion it proposes a different action. The first motion proposed the drafting of a rule which the committee could further debate; the second motion or proposed amendment proposes the rule and eliminates further committee consideration thereof.

I would suggest that if the member wishes to have the rule now, rather than allow the committee to discuss, draft and go back to their respective caucuses, that he should vote against the original motion and then propose his.

MR. CHAIRMAN: Any further opinions on the point of order? Mr. Blake.

MR. D. BLAKE: I was planning on speaking on the motion, Mr. Chairman.

MR. CHAIRMAN: No, on the admissibility of the sub-amendment.

Mr. Eyler.

MR. P. EYLER: To that same point of order, I think it's pretty clear that the substance of the motion, which was presented, was to ban smoking in the Legislature and in the committees, and the essence is not who does it, but that it be done. I think this was merely a change in how it's done, rather than a change in the essence of the motion.

I would say that it's an admissible amendment.

MR. CHAIRMAN: Do you have that written out, Mr. Santos?

MR. C. SANTOS: Yes. Mr. Chairman, can I speak . . .

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: This is just a proposal coming from this rule.

MR. CHAIRMAN: I haven't accepted the amendment yet.

The original motion from Mr. Scott was an instruction that staff prepare something for the committee to review and to decide upon.

What Mr. Santos is saying is that he wishes to short-circuit that and get immediately to the policy issue and have this committee deal with it as a policy, which would mean that his amendment would delete everything after the word "that" to start with, which may be argued as being technically admissible, but I would think that it would be better if the first motion were dealt with as an instructive motion, so that the second motion which deals strictly with the policy could then be proposed and dealt with.

I would therefore say that the amendment should be held in abeyance and not put forward at this time.

Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, are you ruling that the amendment is admissible or inadmissible?

MR. CHAIRMAN: It should be held in abeyance and dealt with after the motion is dealt with, and not therefore accepting the amendment to the motion as debatable before the House, and the original motion directing staff to prepare material is in order and is before the committee for debate.

Mr. Anstett.

HON. A. ANSTETT: Thank you, Mr. Chairman.

I wish to move an amendment that the word "argument" in whatever line thereof be struck out and the word "advice" substituted therefor.

And if that amendment is acceptable, Mr. Chairman, I'm prepared to support the main motion as proposed.

MR. CHAIRMAN: Do you have a point of order, Mr. Eyler?

MR. P. EYLER: No, I'll wait for the passage of that motion.

MR. CHAIRMAN: On the assumption that the motion instructs the Clerk to present this advice to the next meeting of this committee, then the amendment would be in order and would substitute the word "advice" for "argument" where it appears in the motion.

The amendment is on the floor for discussion.

It's been moved and accepted as an amendment to the original motion. Any debate?

Mr. Graham.

MR. H. GRAHAM: Thank you, Mr. Chairman.

I find it rather strange that this matter should be brought up in the Rules Committee of the Legislature. Quite frankly, I believe that it falls outside of the authority of this committee. I think if the government wishes to bring forward a policy, a matter which is a policy, it should be brought forward on the floor of the Legislature for all members to debate, and I think that we are asking members of this committee to do something that is outside of their jurisdiction. If there's any inclination on the part of the government to bring forward a policy that affects the health of the people

of Manitoba, the floor of the Legislature is the place to do it.

We saw evidence of that last year when they brought in legislation that was purported to save the lives of people and it was done in the public interest, and that was seat belt legislation. It was debated in the House and, as such, it was quite proper.

We have another item here which also deals with the issue of public health, and that was the purpose and was referred to members in the debate. I think that we are being rather presumptuous, or these members are being rather presumptuous, to ask the Rules Committee to do something that the Legislature should be doing and, as such, I cannot support the motion that is before the committee.

MR. CHAIRMAN: Just for your information, it's not the motion that is before the committee, it is the amendment. The amendment is to substitute the word "advice" for the word "argument". That is what is before the committee. Are you ready for the question? Question then on the amendment. Are you in favour? (Agreed) Opposed? The motion is carried.

Before the committee is the motion, as amended.
Mr. Eyler.

MR. P. EYLER: I'd like to propose another amendment: THAT the words "and other places" be stricken from the main motion.

I am not sure that we should be setting rules for smoking in legislative committees that are sitting in community centres or large halls in other areas of the province. I think the rule should be confined strictly to the Legislative Buildings here.

MR. D. SCOTT: Those rooms become this room when we are holding a meeting in another room. That's why I have "other places" in there because wherever the Legislature goes they become Legislative Assembly rooms when you're holding a public meeting, and all the . . .

MR. CHAIRMAN: The amendment is in order. It is then to delete, after the reference to Legislative Committee meetings in the Chamber or committee rooms, it takes out the words "or other places" where they occur after that. That amendment then is before the committee.

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I would oppose the amendment. I believe that the precincts of Parliament extend to any room where Parliament is conducting its business and, if that is a community hall with several hundred people in it, I think the extension of the rule to that location is just as appropriate as it is in this building. I would submit additionally, Sir, that it would be somewhat difficult for us to limit the application of the rule only to the Legislative Building when the Rules Committee rules are designed to apply to all proceedings of the Assembly and its committees. I do not believe we have any rules that do not apply across the board. In fact, as I recall, I was chastised for not applying in the past one of our precedents which is not in our rules as vigorously as some members wanted when a committee was on the road, and I think it's

quite clear that those rules should be applied uniformly. I accepted that chastisement then and I would say that it's appropriate to ensure that this rule applies across-the-board.

MR. CHAIRMAN: Does someone else wish to speak?

The amendment then before the committee is to delete the words "or other places" where they occur in the motion. Those in favour please say aye? Those opposed please say nay? — (Interjection) —

Since it was somewhat unclear as to the intent of members, perhaps we should have a hand vote to make sure that there shall be nothing amiss.

Those in favour of the amendment please raise one hand? Down hands. Those opposed to the amendment please raise one hand? Down hands. The motion is lost and the amendment, therefore, is lost.

The motion, as amended - Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman. I submit very clearly that this matter is purely within the domain of the Rules Committee. It affects the decorum of the House, the mandate of the Rules Committee relates to that, we have rules relating to the decorum of the House. The Legislative Assembly Management Commission referred this matter to the Rules Committee unanimously and without any dissent close to a year ago, as I recall. The government has taken the action to which the member refers by applying the City of Winnipeg By-law to everything in the City of Winnipeg owned and operated by the government of the Province of Manitoba, and that by-law does apply and was extended by the Minister of Government Services by public announcement, press release, considerable fofoeraw about a year ago. The only area - I think the Minister of Government Services appropriately decided this - to which he could not apply and acknowledge the appropriateness of the by-law and bring those buildings under the by-law was the precincts of Parliament over which the government has no jurisdiction, and appropriately that matter is before us.

Any suggestion that the House will not have an opportunity to debate that ignores the provisions that any rules changes must, by substantive motion, be presented to the House and concurred in by the House, so the honourable member will have a full opportunity to debate concurrence on this rules change if, and when, the draft is accepted by the committee and the advice of the Chairman concurs in the need for a rules change as opposed to a statement of policy. But, either way, concurrence in the House or by the House will have to be moved by myself - and I can tell the member I would intend to move concurrence in any recommendations the committee made. I think that's appropriate, otherwise they have no force in effect.

MR. D. BLAKE: Mr. Chairman, I think with the important matters affecting the province that are before us and facing us today that this frivolous motion is going to take up time of the committee and of the Legislature and, if the government is serious about it, let them bring in a policy to ban all smoking in public places in Manitoba. If they're really serious about this, and . . .

HON. A. ANSTETT: Are you proposing that?

MR. D. BLAKE: I'm not proposing it, but if the government is really serious about curtailing a person's right to enjoy the nicotine habit. If they're really serious about it, let them bring in legislation to ban smoking in all public buildings in Manitoba and that will cover the whole gamut. That would prove their sincerity and the desire for me to improve my health and my longevity if I'm damaging it by the use of tobacco or other. Let's show their sincerity and bring in legislation to ban smoking in all public buildings in Manitoba.

HON. A. ANSTETT: Why not bedrooms, too?

MR. D. BLAKE: It's not a public building, thank God.

MR. CHAIRMAN: Are you suggesting that legislative committee meetings be held in bedrooms?

MR. D. BLAKE: We'll have to ask Phil about that.

MR. P. EYLER: I'd like to point out one inconsistency. It seems to me there's been a lot of reference to the City of Winnipeg Anti-Smoking By-law in public places, and that seems to be the impetus for whether or not we should be observing that in spirit in the Legislature.

My concern is that now we are extending the City of Winnipeg By-law through adopting it as a rule here to community hearings held in Arborg or wherever else, so we are applying the City of Winnipeg By-law outside the city.

I'm just explaining the genesis of this. The City of Winnipeg By-law will be adopted by the Legislature for its hearings, which will be held outside the City of Winnipeg.

I just point out that inconsistency. I still think the original amendment that I made would have been politically more feasible and appropriate.

MR. CHAIRMAN: Any further discussion?

Mr. Mercier.

MR. G. MERCIER: Mr. Chairman, it will be obvious from comments that I made - the comments that I made earlier were made personally and not on behalf of the opposition party.

MR. H. GRAHAM: Mr. Chairman, can I derive from you the intent? Is it the intent to leave this proposal without taking a vote and take it back to the various caucuses or what is the proposal?

MR. CHAIRMAN: Let me read the motion to you. I think it should be clear from that. "That the committee direct the Clerk of the Legislature to draft a rule which would prohibit smoking at all legislative committee meetings, be they in the Chamber, committee rooms, or other places, and that the Clerk present some advice on whether or not the rule be written as a rule in the Rule Book or that it be adopted as a policy."

So this motion directs the Clerk to do something, presumably so that it can be discussed or considered by the committee at its next meeting.

Does that answer the question?

MR. H. GRAHAM: If that's the case, I would like to move an amendment that puts in there a "proposed"

rule rather than a rule, that the Clerk be instructed to draft a rule, a proposed rule.

MR. CHAIRMAN: I'm not sure that it's absolutely necessary, but . . .

MR. D. SCOTT: Okay, I'll accept that amendment.

MR. CHAIRMAN: I think it's up to the Chair to accept that.

The amendment then is in order. The discussion before the committee is on the amendment. Any further discussion?

Is it the pleasure of the House to adopt the amendment? (Agreed)

The motion then, as twice amended - Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I realized when you read the amendment and I respond to Mr. Graham's concerns, I think what we are saying here is that we are giving approval in principle and going back to our caucuses for clarification on a draft proposed rule, hopefully.

I think that as a general statement we're asking for that draft. We wouldn't be asking for that if we were not generally inclined that way. I don't know that we will be saying that we're going to come back with full agreement or that some of us will even come back, but I see a problem now with the resolution as proposed, and I'm going to propose an additional amendment.

We do not now have a rule which prohibits smoking in the House when the House is in Session. What this rule would do - and the exclusio-onis rule would start to operate here - is prohibit smoking in committees, but because we did not explicitly provide, would then allow smoking in the House itself, because we are only preventing smoking in the House by custom.

I think we have to the add the House into the proposed draft rule to avoid that, otherwise it is not then part of our rules. I think we have to specifically add "the Chamber" before the word "committee." I don't have a copy of the motion, so I don't know the appropriate place, but I think it would be necessary. I would defer to the Clerk's advice. If the Clerk can advise the committee that the proposed rule that referred only to committees would not then, by excluding the House, permit smoking in the House, if he so advises that would not be a problem, I won't feel required to move the amendment, but otherwise I feel the exclusion in the House should explicitly continue in the rule.

MR. CHAIRMAN: What is being suggested is a change to the existing practice by developing a rule having to do with committee meetings. The existing practice of not taking tobacco in the House would remain and would stand, that is, the accepted practice of it. A rule would not be necessary; it could be done, but it's not necessary.

HON. A. ANSTETT: Okay, I withdraw.

MR. C. SANTOS: It is part of the Rules of the House to observe existing customs and usages.

HON. A. ANSTETT: I have withdrawn it.

MR. CHAIRMAN: Any further discussion on the motion as amended? Do you require the motion as amended read again?

Is it pleasure of the House to adopt the motion as amended? (Agreed) Agreed and so ordered.

Before we move on to the next item, the changes requested by the committee to Item 3, the changes in voting in Committee of Supply, have been drafted and are being distributed to you to take back to your caucuses with the blank appearing in the rule, and it can be dealt with at the next meeting.

Mr. Anstett.

HON. A. ANSTETT: I take it it is also understood that there would be a consequential amendment to Section 65(9)(a.1).

MR. CLERK: When, Mr. Chairman, the blank is filled in.

HON. A. ANSTETT: Right.

NO. 7 - PROPOSED AMENDMENTS TO RULES RESPECTING PETITIONS, PUBLIC BILLS AND PRIVATE BILLS

MR. CHAIRMAN: Item No. 7, Proposed Amendments to Rules respecting Petitions, Public Bills and Private Bills. The background material bears the No. 9, which is probably what it was on the last committee agenda.

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, at the last meeting, because of some membership changes on the committee, it was suggested that to understand the 15 pages of amendments it would be beneficial for members to have the explanatory notes. These amendments were drafted originally by the Clerk and by Legislative Counsel, and having the benefit of their thoughts on the specific amendments will be valuable to members. I'm not sure if members wish to consider them in detail at this point, but may wish to take them away, reflect on them, and I think we could then be prepared to deal with them expeditiously at the next meeting.

MR. G. MERCIER: Mr. Chairman, I just received this this morning and I would like an opportunity to go through it and deal with it - I'm sure we can deal with it at the next meeting.

MR. CHAIRMAN: Anyone else? If that's the pleasure of the committee we will defer that to the next meeting.
Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I would think the same thought would apply to the next item since I believe all members received the material this morning.

MR. CHAIRMAN: Is that your will and pleasure? (Agreed)

Please bear with me, I'm looking for my copy of the agenda where I wrote it down in pencil and I can't find it again.

As I recall, there was an item dealing with Private Members' Hour and the matter of correspondence, and a matter that Mr. Graham had. Let's take it in that order, can we.

NO. 9 - PRIVATE MEMBERS' HOUR

HON. A. ANSTETT: Yes. Mr. Chairman, I believe the Opposition House Leader is unavoidably absent for the moment, he may yet be here. I believe we've set aside this afternoon for sitting of the committee, as well, if necessary. He had raised with me, in discussion last week, and I will raise it now for members to reflect upon and then we can discuss it at a future meeting and have it formally placed on the agenda, the question of making substantial revisions to our provisions with respect to Private Members' Hour. I believe Mr. Ransom, as well, had an interest in this and wishes to speak to the committee on this proposal.

But, in a nutshell, so that members may reflect on it in advance, the proposal would limit Private Members' Hour from the four days during which - well, officially five, but practically four days - Private Members' Hour presently occurs, to two days each week, with time allocation. The proposal being based on at least one assumption being that both opposition and government put up speakers basically to "rag the clock" and that items are talked out, and that what we should instead have is a provision whereby items can only be called so many times, particularly Private Members' Resolutions; that the speaking time be shortened so that items are dealt with more expeditiously; and that that additional time then can be used for Committee of Supply, Public Bills, etc., and that Private Members' Hour time is not time used in which members are put up to fill the speaking time, but rather to get private members' business of interest on the agenda debated, perhaps with a specific time allocation, as well, to each item. It would require re-ordering the fashion in which items appear on the Order Paper, they change each day now, we'd have to have a set order because they'd only appear twice. I think that could be accomplished, and I think the proposal merits discussion by the committee.

I have not had an opportunity to discuss it with my colleagues, my discussion has been limited to the preliminary proposal, but it would amount to a major revision in an attempt both to expedite private members' business so that more could be handled in a shorter period of time. My personal impression is that the proposal has merit and that we would like to consider it, and I would ask that it be formally placed on the agenda for the next meeting.

MR. H. GRAHAM: Mr. Chairman, I think it would be extremely helpful for all members, both of the Legislature and of this committee, to have some background material on the changes that have occurred in this Legislature with the dealing of Private Members' business. It has changed on numerous occasions and I think it would also be beneficial to have some background material on what has occurred in other jurisdictions as well. I know in Ottawa they've had many years of agonizing decision on rules on Private Members' Hour and the dealing of Private Members'

business, so I think it would be beneficial to have some of that background material when we're making decisions. If it takes two or more meetings, I think it is of sufficient importance.

MR. CHAIRMAN: Anybody else? It could be a lot of work there, Mr. Graham, but we'll try.

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I think the primary information that Mr. Graham is looking for is available historically in our own Rule books. I think that can readily be obtained. Perhaps we don't need to have a complete summary of all of the rules in all other nine provincial Legislatures, perhaps if we have a quick sampling of those so that we can point out the differences, that will provide the base information, and then if we need more we can ask for it at the next meeting.

But it would be nice if we are going to make some changes with regard to the operation of Private Members' Hour, to have them in effect for the next Session. I think there is sufficient time to do that if there is agreement in principle along the lines of the proposal Mr. Enns made to me last week. I can't say there will be, but I think that at first glance it has merit, and we can well move in that direction.

MR. CHAIRMAN: Any further discussion? I will attempt to get that material and put it on the agenda for the next meeting.

NO. 10 - CORRESPONDENCE REGARDING REPRESENTATION

MR. CHAIRMAN: The next item is the matter of correspondence which I received only this morning. I believe copies have been made and distributed to the committee. I'll give you a minute or two to read it.

I'm aware that other committees have made regulations normally dealing with a particular topic that is before them at that time. Those regulations don't carry over on to other topics, and I'm not aware of any regulations which have been made by this committee.

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I agree. The purpose of Rule 77 is to establish the procedures used, generally for public hearings, and specifically governing representations; and those rules where a committee has been mandated by the House to hold public representations on bills or a specific subject matter, the committee has gone out and held those hearings. Where it was felt to expedite the committee's business, the committee should agree on a set of rules. They have done that first, often at a meeting called specifically as an organizational meeting to establish those rules and then those rules are read out at the beginning of each meeting when we hold the hearings. That has no impact, Sir, I would submit, on our decision of our last meeting with respect to hearing representations in this committee, and I am not prepared to move a motion to reconsider our decision at the last meeting.

MR. CHAIRMAN: Any further discussion?

Mr. Mercier.

MR. G. MERCIER: Mr. Chairman, just for the record, I expressed concerns at the last meeting that there are matters dealt with by this committee that do affect the public, that this is an important institution in the Province of Manitoba by which the public is affected. There are, in my view, some matters upon which the public should be given the opportunity and the right to make representations to this committee. I must, perhaps again personally, disagree with the Government House Leader on his view that this committee almost on no occasion should ever hear representations from the public, because that . . .

MR. H. GRAHAM: . . . prepared to rescind that now . . .

MR. G. MERCIER: If you didn't say that, Mr. Chairman, then my suggestion would be that we should request the Clerk and/or the Chairman to prepare draft regulations for representations by the public to this committee. Particularly, in what areas is the committee prepared to receive representations from the public?

HON. A. ANSTETT: Mr. Chairman, I'm not convinced at all of the merit of that suggestion. I would never say that this committee should not hold public representation, but clearly if the committee decides that it wishes to hold public representation it should decide on what issues, on what rules, on what particular questions, whether it's the question of a smoking rule or a non-smoking rule, whether it's the question of public and private bill petitions, or whatever matter, and then appropriately advertise and hold public hearings for the express purpose of hearing public representation on those issues. I do not recall to date an issue on which the committee sought public representation, and I have not seen an occasion where that was required, but I don't for a minute suggest that it will never be required, there may well be that occasion.

What we have done is sought specific representation; for example, from the Press Gallery and from officials of the broadcast media, but that was not an opportunity advertised for public representation, it was a specific request for information to the committee and briefs were received.

For that reason, since the Rules are hearing specific, or the regulations referenced in Rule 77, I would not want to set general regulations that would apply to all public representations, but I would set them for each specific item the committee wanted to hear just as every other standing committee operates, as an organizational meeting to establish whether or not it wants any specific regulations beyond the normal operating procedure.

If members wish to suggest that we should hear public representation on any item, then that can be debated. If that is determined, it should be advertised and the committee can then set whatever regulations, if it deems any are required, for that set of public hearings.

I see no item on our agenda that, I think, merits that type of consideration and would, therefore, reject any suggestion that we should hold public hearings on any of these items and, therefore, reject the suggestion

that we need regulations either on a general or agenda topic-specific basis.

MR. H. GRAHAM: Mr. Chairman, I think there's an issue here that goes far deeper than what the Honourable Government House Leader has put forward. While our Rules may be lacking in the field of public representation, I don't think that is the issue that is before this committee at all. We have had a request from the public to make a presentation. I realize, Mr. Chairman, that this has very rarely happened, but for a committee to turn down a request from the public to make a presentation to the committee I think is a pretty serious action taken by any committee.

We have quite often, from time to time in other committees, invited public representation, but when the public comes forward freely and voluntarily offering advice to a committee and we turn our backs on the public, then I think we're setting a pretty dangerous precedent. I would hope that the Government House Leader would reflect on that for a while before we take any position with respect to public representation at committees.

MR. D. SCOTT: Mr. Chairman, it's nothing to do with a dangerous precedent here whatsoever. This committee functions the same as any other committee of the Legislature, at other times the public is invited to come to make a presentation. What you're suggesting is that we would be setting a new precedent where anyone who wants to come in and take committee time can come in and the committee has to hear them. The whole basis of our public consultation process in the Legislature, there are some things that are virtually automatic now, such as, in bills before the Legislature there is automatically a calling to the public for their opinions on that bill, but that is an invitation from the committee out to the public to come and make presentations.

Any member of the public who wants to advise us, as committee members, can do so by simply writing us a letter explaining their concerns. If then the committee felt that the member of the public had raised an issue that was of significance that committee could then request that person to come before the committee and make a presentation to explain perhaps the letter in greater detail, for members to request a further clarification. If they wanted to do that on an individual basis they wouldn't need to call the person before the committee, but then the committee would be following its normal role of going to the public, asking a member of the public who has some expertise perhaps in an area to come and give us the benefit of that expertise, but that is done as an invitation of the committee.

It is quite inappropriate, and I think possibly some grandstanding, to try and say that the public should just come in and take the time from the committee automatically just because they have come in and asked to make a presentation. The basis of the presentation is upon an invitation of the committee of the Legislature. It is the same as it is in all of the committees and I would suggest that we maintain that for the future.

MR. H. GRAHAM: Mr. Chairman, I can see that members of the present government are still very

adamant in their viewpoint. I would think that after the constitutional debate that went on in this Chamber some short time ago, where the government appeared to be reluctant to listen to the wishes of the people, I would hope that they would maybe have second thoughts, but it doesn't appear to be that willing to learn.

I just want it noted, Mr. Chairman, that the government still seems to be going ahead on its own course of action, unwilling to listen to the public, and I just want it noted that that is the case and we see further evidence of it again today.

MR. D. SCOTT: Mr. Chairman, I think this government's record has stood out as a government that has consulted further and more extensively than any other government in this province's past. Furthermore, when you have members of the opposition trying to make these grandstand statements they are certainly hiding from what their federal colleagues are doing in trying to shut down and trying to control totally the functions within their committees. This party and this government shall never ever try to do that and to run the Legislative Assembly's committees in the kind of rules that they are trying to do in Ottawa now where they've even tried take away any requirements for a certain number of members of the opposition to be present to have a quorum to have committee meetings.

They're getting really roasted on it, and I find it somewhat ironic that their blood brothers here in Manitoba are now trying to take a position that goes to the extreme opposite.

MR. CHAIRMAN: Do I take it from the discussion the committee does not wish to adopt any regulations?

HON. A. ANSTETT: Or reconsider their decision at the last meeting.

MR. CHAIRMAN: That's not the question, is it?

HON. A. ANSTETT: No.

MR. CHAIRMAN: Okay.

HON. A. ANSTETT: Agreed?

MR. H. GRAHAM: Nay.

MR. CHAIRMAN: If that's the pleasure of the committee, can we move on to the next item on the quality of the printing of the new Rule Book.

NO. 11 - QUALITY OF PRINTING IN THE RULE BOOK

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, I would hope that members have not entirely thrown away the old printing. I would ask them to look very carefully at the quality of the type that is set in the new printing of the Rules and compare it with the previous.

The previous printing was done by letter press and what we have here is from a printer and I personally

find it much harder to read than the previous letter press printing. I know we have discussed this previously, and the argument that was put forward was one of time, the time that it takes to have it done, and I reject that argument completely.

The expense is insignificant when you compare the fact that how often has this been done? It maybe happens once a year and it's a one-printing issue only, and yet when it comes to the printing of our daily Hansard it is done the same way as the old print was used.

So, if there's a concern about the cost, then I become increasingly concerned because there's a high probability the government may be looking at the printing of Hansard in the same manner, and I would reject that as well. I don't care at all for the format and the printing that is used in the new rules and I raise it for members of the committee to consider and I would hope that the committee would go back to the letter press type of printing which is easy to read, and the amount of extra space is rather insignificant.

HON. A. ANSTETT: Mr. Chairman, I agree with Mr. Graham. This type is smaller, more difficult to read, because of the font used. It's not a question of letter press. This type on these pages could have been reproduced letter press just as easily as the other type reproduced letter press. The fact that it's computer composed, photo offset reproduction doesn't affect the readability. I was one of those who, two years ago, expressed some reservations about the size of the type. This committee decided to go ahead with the reprinting. The issue at that time was type size versus time and expense, and there was a substantial saving, rather than going to the old style letter press. The difficulty was with the type faces and type size that were available in the photo composition system.

We made that decision. I was one who had reservations about it; I still have those reservations. I think what we should do is advise the Clerk that at the next reprinting of the Rule Book, we again consider options with regard to type size and type face, but I would not be prepared to suggest that the committee, having made the decision and having had samples of the different type faces available, when it made that decision, even if we have some regrets about the decision. To be quite honest on the time and dollars I don't, but I'm not one of those who needs glasses to read and has some difficulty with it, I know a lot of members do and they express those concerns. I think we should re-examine that decision, but it should be re-examined at the time that there are substantial revisions made in the rules requiring a complete reprinting. I think it would be unwise to now open it up, because we made that decision knowing full well what we were doing.

MR. H. GRAHAM: Mr. Chairman, you would note that at no time did I suggest that we reorder the printing of this. I raised it because I know that the committee had made a decision, and I'm not exactly sure that the printing that we have here is exactly the same as what we were shown when it was discussed the last time the committee made a decision on it. I think it is a subject that the committee should address itself to once

again, because it has implications with respect to other printing that may be done.

MR. C. SANTOS: Mr. Chairman, having invested time and money in the present production, what we can do is perhaps not print any more of these things whenever there is any substantial revision, unless we have the option of returning to the old type. That is the only rational thing we can do.

NO. 12 - OFFICE OF LEGISLATIVE COUNSEL

MR. CHAIRMAN: Anything further? If there is not, can we go on to Mr. Mercier's item having to do with Office of Legislative Counsel.

I'm not sure this committee is empowered to act, perhaps you would indicate what it is you have.

MR. G. MERCIER: Yes, I think I can, Mr. Chairman. Firstly, let me say my concern is not with respect to the appointment of Mr. Moylan, who has served in the Department of the Attorney-General for many many years and is well respected, but the rules provide that the officers of the Assembly include the Law Officer of the Legislative Assembly and the Deputy Law Officer of the Legislative Assembly and go on to say that in Rule 102 that the hours of attendance of the respective officers of the Assembly shall be fixed from time to time by the Speaker. We have read news reports that the Attorney-General is relocating the Legislative Counsel's office, although there has been some indication that Mr. Moylan will have an office in the present area where Legislative Counsel has been located, I suspect, ever since this building was constructed. Perhaps not. — (Interjection) — Since 1969.

Mr. Chairman, the Legislative Counsel provides an important service to individual members of the Legislature, and the concern I'm raising is possibly more of an inquiry to you, because I would certainly want to be assured that the Law Officer of the Assembly and the Deputy Law Officer of the Assembly are located in this building, particularly during the time of sitting of the Legislature, and I think under Rule 102, you, as the Speaker, have the responsibility to fix those hours of attendance. I do not want to see a situation develop where Mr. Moylan has an office here, but it's only occupied from time to time. I think it's important that a Law Officer of the Assembly be located in this building to be available to Members of the Legislature, as I say, particularly when the Legislature is sitting. I think, Mr. Chairman, my question is more of an inquiry to you as to what you would propose to do under Rule 102 which allows you to fix from time to time the hours of attendance of the Officers of the Assembly.

HON. A. ANSTETT: Mr. Chairman, the Member for St. Norbert, Mr. Mercier, may not be aware that that item has been referred, by you I believe or by some other member, to the Legislative Assembly Management Commission. I believe that it is under consideration there. I believe, Sir, that the concerns that have been raised have already been addressed. The responsibilities of the Legislative Counsel and Deputy

Legislative Counsel to the Assembly are not proposed to be in any way deleteriously affected by the administrative move of the legal drafting services to government.

As members are aware, one of the great advantages we have in Manitoba over virtually all other provinces is that the advice of Law Officers of the Assembly comes in Manitoba from the same people who are Legislative Counsel to the Attorney-General. In most other jurisdictions that is not the case, and a separate law clerk or law officer is employed in the service of the Assembly. Members have, in the past, raised the question, and I at one time did extensive research on the question, but members determined that they would prefer to have the broader and greater expertise of someone who had been involved in the drafting of the legislation, rather than a separate law clerk. We have managed, primarily based on the integrity and personality of the individuals involved, to maintain both roles in one individual.

With the increasing complexity of translation requirements for statutes and dramatic expansion over the last, I would say, six or seven years in the Legislative Counsel office they've outgrown the facilities they had. It is strongly felt by the government that the physical amalgamation of those services which are now being transferred from Culture, Heritage and Recreation to the Legislative Counsel office directly, in terms of responsibility, and the expansion in part over which Mr. Mercier had responsibility, when some of it occurred in the late '70s, has resulted in a situation where sufficient space is not available in this building.

I believe, however, that the specific objection Mr. Mercier has with regard to our rules will be met by the provision of both office space and the actual personnel responsible in this building at the convenience of members, when the House is in Session and at other times. I don't think it should apply just when the House is in Session.

The details of that have yet to be worked out. I have entered into some discussions with the Attorney-General. He is unfortunately away at the present time and we may not be able to hammer that out in full detail till early in the new year, but certainly that is the intention. I expressed my concerns since that time; I have communicated the concerns of other members in that regard. I believe, Sir, and perhaps it's not appropriate for me to advise you on your responsibilities, but in answer to the question raised by Mr. Mercier, Rule 102, which certainly applies to the Law Officer and Deputy Law Officer relating to the hours of attendance, does not specifically require their attendance in the Legislative Chamber or necessarily in this building. The rules was placed there because those people, in the original circumstance, were not deemed to be civil servants, and some rules respecting their working hours, conduct, etc., were placed in our Rule Book instead.

I don't expect that there will be any problems, and if there are, it would certainly be my hope that they will be brought to the attention of both Mr. Speaker, myself and, if necessary, the Attorney-General. If there are any problems with this move it is not intended in any way to limit the accessibility of the Law Officers of the Crown who are also the Law Officers of the Assembly to honourable members on both sides of the House.

MR. G. MERCIER: Mr. Chairman, perhaps I could also raise Section 103, the next section, which refers to "the filling of any vacancy in the service of the Assembly shall be made by the The Board of Internal Economy Commissioners," which is not there at the present time. Obviously there should be an amendment, but does this rule apply to the filling of the position of the Law Officer of the Assembly in the future who is an officer of the House? I'm not raising it with respect to the appointment of Mr. Moylan, perhaps for the future, is that not a position that should be dealt with by consensus among the official parties in the House?

MR. CHAIRMAN: It's been pointed out to me that 102 and 103 are probably now obsolete since we have a Legislative Assembly Management Commission and they have certain powers designated under The LAMC Act which probably take the place of 102 and 103. As far as the last point is concerned, if you look at 100, the section having to do with Law Officer, it is quite clear there that the Law Officer is appointed by the Department of the Attorney-General and it's not up to the Commission. I should say further to you that the move, you know, was of concern to me. I wrote to the Premier three or four weeks ago or something stating that the Law Officer did have a responsibility to the Legislature, as well as to the department, and that it should be discussed by the Commission as such. I requested that no decision be made on any move until that had been discussed by the Commission. It's still on the agenda of the Commission but I understand that decision has been made.

HON. A. ANSTETT: Mr. Chairman, I had only raised my hand to draw a member's attention to The LAMC Act which does not include, within the jurisdiction of appointment powers of that Commission, or any other powers relating to the Office of the Law Officer because of his appointment as Legislative Counsel by the Department of the Attorney-General, which precludes the operation of 102 and 103 with respect to that office, particularly 103. though and 100, which provides that the Assembly adopts, as Law Officers, those people who are appointed by the Department of the Attorney-General to those two positions. I think I'm basically reiterating what Mr. Chairman has just said.

Mr. Chairman, in view of Mr. Ransom's attendance at the present time, it may be valuable for purposes of members reflecting on the item we raised earlier with regard to possible changes in Private Members' Hour to possibly have him, if he is here for that purpose, provide his thoughts on that so that we can then discuss it further at the next meeting, along with the research and background material Mr. Graham requested.

MR. CHAIRMAN: Mr. Ransom.

MR. B. RANSOM: Mr. Chairman, I was going to raise it if my colleagues hadn't, but I think I should probably go back and do a little more review of the suggestions that had been made, but just in capsule form what I had spoken of in the Legislature during Private Members' Hour on one occasion, and at which time there seemed to be some general agreement on the other side of the House, was that perhaps we did spend

a considerable amount of time in Private Members' Hour that would not be considered as overly productive, and that we might be able to dispense with some of the time that was devoted to Private Members' Hour and then use the remainder in a more productive way.

One suggestion that I had made with respect to making it more productive would be that a time limit be put on resolutions, time for debate on resolutions, be it three hours or five hours, or whatever. At the end of that time, if it was the will of the members to have a vote taken, then a vote would be taken; if it wasn't the will of the members to have a vote taken, the time would expire and the resolution would drop from the Order Paper. The individual member would have had a chance to put forward his or her ideas and others to respond. As it stands now, there is a lot of jockeying that takes place where one side or the other tries to amend the resolution in such a way that it can be neutered, or some way be made acceptable to them, and a lot of effort goes into simply filling in time, rather than devoting it to productive debate.

So I think if there was a limit put on the time for debate of any given resolution that we could improve the standard of debate and make better use of the Legislature's time. I would just ask that the committee give that some consideration. There may be some other suggestions, no doubt there would be other suggestions that other members would make that might help as well.

MR. CHAIRMAN: One of your colleagues has asked for some further background information as to what has happened and what happens in other provinces, too. We will attempt to get that for the next meeting.
Mr. Ransom.

MR. B. RANSOM: Mr. Chairman, since I have this opportunity to ask you a question, has there been any consideration given to providing an interim index to that part of the Session which has already been concluded? I understand, of course, normally an index is done when the Session is completed and it's available to us then as reference. At the moment it is rather difficult . . .

HON. A. ANSTETT: It's done.

MR. B. RANSOM: It's done?

HON. A. ANSTETT: Yes, Mr. Chairman, Mr. Enns raised this with me last week and while he was in my office I called Mr. Remnant and he agreed to ensure that two copies, two photocopies of the work that was prepared to date - since it's all in the system and can be done in computer offset type immediately - be prepared and distributed to each caucus, so the caucuses at least have a reference copy for research until the Session is finally prorogued and the final produced. So, if those have not yet arrived, I'm sure Mr. Remnant will - since that was a week ago - ensure that it happens promptly.

MR. B. RANSOM: Thank you.

MR. CHAIRMAN: Since we've almost reached the end of our agenda, there was one item that I had found

having to do with the Rule on the Limit on Bell Ringing which I would like some direction from the committee, or even some clarification of what was intended with Rule 10(4).

Recalling the discussion, it was the intent for the House to have the bills ring for 15 minutes and if there was some indication during that time that an extension was necessary that the time could be extended up to 24 hours, as indicated in Rule 10(4), for the purpose of allowing members to come into vote so that there would not be the accidental defeat of a government which would lead to an election.

Do I read that correctly, or recall that as being the rule?

However, it could be argued, on the one hand, that where a specific time should be set - that's the wording in 10(4) - that a particular time on the clock, 10 o'clock or midnight or something, be set. It could also be argued on the occasion that members on their way into the House had been delayed by a car breakdown, or fog, or something like that, and that they haven't arrived by that particular time and that another extension to allow them to attend could be asked for.

Now I don't recall the committee being clear as to which it had intended, and if it makes its intent clear the addition of a few words could make that rule clear, so that it will not be the subject of another argument when it does occur, as it surely will.

Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman. I agree with you, I don't think we ever considered that possibility. I don't recall a discussion of the possibility of a requirement for an additional extension. I would want to clarify one thing. I think the primary purpose was so that the House would not, if the matter was not on a confidence motion, have to come in the next day and bring in a confidence motion. It's unclear as to what particular motions might or might not require an election, but certainly a requirement for a confidence motion and reaffirmation of confidence would be required in the result of a defeat. So in terms of your preface to your question, I just make that qualification.

I have no problem with providing for an additional extension if there are members in travel status. The focus of the rule was that the only reason for which an extension would be granted would be for members who were coming to vote, and the extension related to them travelling within a reasonable length of time to the Legislative Building to attend their obligations.

I don't know what is required to allow a renewal of that extension, but certainly the 24-hour maximum I would think we would want to apply, but if the bells were ringing at 4 o'clock in the afternoon, an extension was granted to 10 o'clock and the Speaker was advised at 9:30 p.m. that people might not arrive until closer to 11 o'clock by plane or car or whatever, that additional time should be provided. We've had one instance in the last year, as I recall, where some members had the door closed in their faces and they were not happy, and I wouldn't want to be in your place, Mr. Chairman, to have to close the door under those circumstances.

MR. CHAIRMAN: It is more likely to happen in committee where the Chairman of Committee would

set a time for half an hour hence, whatever that time happened to be, to allow people to come in, and it could well be that they don't get in by half an hour, and another 15 minutes or half an hour would be required. It is not clear to me whether or not that would be permitted under this rule.

Mr. Santos.

MR. C. SANTOS: If we look into the intention of the rule, the intention is to allow the travelling member to come within the time limit, but if there are circumstances beyond his control I think that will justify the extension because it is a circumstance which is simply beyond the control of the member who is trying to fulfill his duty to come.

MR. CHAIRMAN: The rule does say a specific time, which is the way, just reading it, I would be inclined to interpret it, that if it says at 10 o'clock the vote is at 10 o'clock. But it does also refer to an extension of the time to permit members to come into vote, so it is subject to argument. Now what we can do is to draft a rule change permitting it either way for the next time to give members the opportunity to think about it or take it back to their caucus, decide which of those things it wants. It makes no difference to me, it can be put in there, whichever way you want.

Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, that only occurs after consultation with both sides of the House, so when both sides of the House agree to a specific time I think they have to live up to it.

HON. A. ANSTETT: Yes, otherwise you get extension and extension. Mr. Chairman, can I propose that the Clerk draft an amendment to reflect Mr. Graham . . .

MR. H. GRAHAM: I think it's clear in there now, it's clear in there now.

HON. A. ANSTETT: I believe Mr. Chairman feels it is not clear and that he may be called upon in the future and that's why he's raised it to provide an additional extension, and for that reason he's asking for clarification. If that is correct, Sir, then the addition of a couple of words to provide that only one extension shall be given is really a minor change which will satisfy . . .

MR. H. GRAHAM: I don't think it's necessary, it's quite clear there.

HON. A. ANSTETT: I think it is reasonably clear, but I think there may be members who, under special circumstances, want to put another interpretation on it.

MR. H. GRAHAM: Well, they have their problem with their House Leader.

MR. CHAIRMAN: It probably won't occur until 10 years when none of us are here, but whoever are the principals at that time will read it and put whatever interpretation they wish on it. I would like it made clear for the benefit of some future Speaker.

Mr. Scott.

MR. D. SCOTT: Mr. Chairman, I would agree with Mr. Graham, I think it is quite clear, that a specific time is set after consultation with the Government Whip and the Official Opposition Whip. They know what the time is, the time is such and such a time, it is set. It is there for the exclusive purpose of members to get in and they have to get in by that time. If they can't get in by that time, then they'll make damn sure they get in by that time next time.

Already this is a clause that was not in other jurisdictions; it is a clause that gives additional assistance for people to make sure that they are here to attend the business of the House. I think it's quite liberally worded the way it is. To do anything else, to add something else and give additional extensions and one thing or another, I suspect, at least it is used as another delaying tactic, that someone is always going to take an extra two hours to come in. Someone is going to go back and say, well, we weren't quite able to make it, can we have an extension? And then they're going to come back and say, well, beyond this, since it's for members who do . . .

A MEMBER: You should have a provision for two out of three.

MR. D. SCOTT: That's the trouble that it comes down to when you keep adding these additional provisions. I think it's quite specific and gives very direct direction as it is right now.

HON. A. ANSTETT: Mr. Chairman, I believe members on both sides are agreed that the intent is that there be one extension. I would like to suggest then that under Rule 5, which provides for limitation on extension, that we add the following words "and only one such extension shall be granted" period. Then, even if the rule is completely clear now, the possibility of some future Speaker being in doubt will be addressed, and I think the Speaker, who has to be conscious of protecting the rights of all members, will always look to interpret the rules in such a way as to protect those rights and, without having the benefit of this discussion, a future Speaker might not be guided in the way we're suggesting here today and I think Mr. Chairman is right in raising the concern.

MR. CHAIRMAN: We'll have some suggested rule change prepared for you for the next meeting, you can reflect further on it.

Mr. Santos.

MR. C. SANTOS: I just want to direct a theoretical question, Mr. Chairman. Supposing the Cabinet Minister is, let's say, on a conference and the airplane flight said it is to be delayed 15 minutes, or half an hour, and the information is received in time, even before the consultation, can they extend beyond 24 hours? Under the existing rule, they cannot.

MR. CHAIRMAN: The situation wouldn't occur in those circumstances. Where you would get it would be that the extension was made for an hour from now, like at

2 o'clock or something, but at five minutes to, the Whip would suddenly realize that those members on their way in had been delayed for some reason and that it would mean that there would be a defeat if those members were not there, and the Whip would then ask for another half an hour or something. It's just to make sure which way it's intended, that's all.

That being the case, Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I'm having a somewhat facetious discussion with Mr. Mercier across the floor just now, but I think it might be worthwhile asking, since you have raised the question of Rule No. 10, if members generally are pleased with the 15 minute limit, based on our experience in the last Session, or if there is a more suitable time limit? I have heard some concerns expressed that the 15 minutes may be more constrictive than some members wanted, and I know members of the opposition expressed a concern that it should be somewhat longer. I am asking if members have found, based on experience, that we should reconsider the specific time amount, or if we should, as Mr. Mercier suggested, live with it for another year.

MR. G. MERCIER: The opposition has always been there ready to vote on time so we have had no problem with it.

MR. CHAIRMAN: Is there anything further under Other Business? If there is not, when do you wish to meet again?

Do you wish to meet on a Thursday, again, or is Tuesday better, or any other day?

Mr. Anstett.

HON. A. ANSTETT: In terms of Mr. Penner's attendance, Mr. Chairman — (Interjection) — well, I expect he'll be coming back on the committee.

He will have a Cabinet Committee meeting on Thursday, so a Tuesday would be preferred. Can I suggest Tuesday the 22nd of January, if that's agreeable to members?

MR. CHAIRMAN: Mr. Anstett, Tuesday is a better day than Thursday?

HON. A. ANSTETT: For me, it makes no difference. I adjust my agenda to this committee.

MR. C. SANTOS: Mr. Graham expressed a preference for Monday and I agree with him.

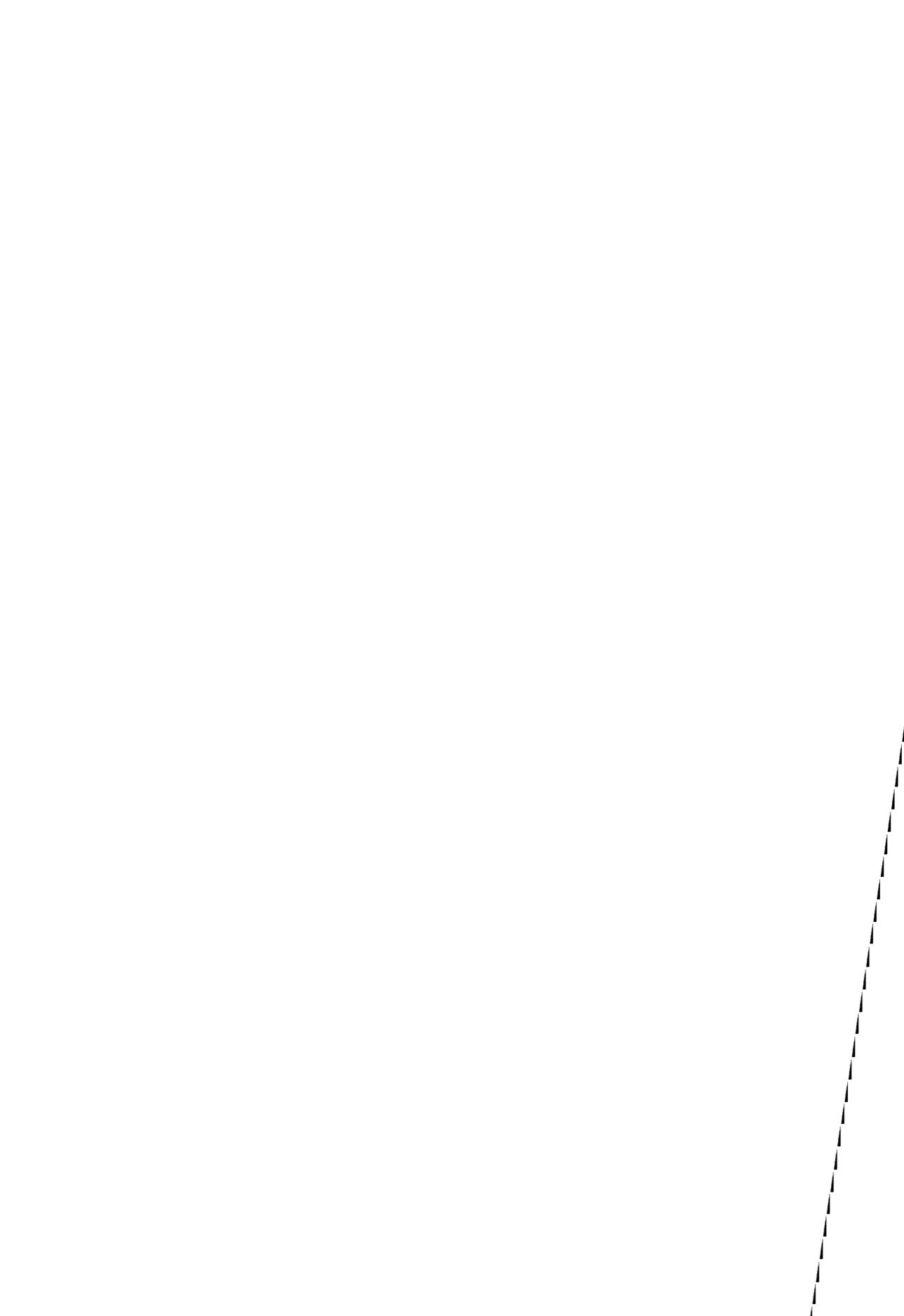
HON. A. ANSTETT: Monday, the 21st. I'm agreeable.

MR. CHAIRMAN: We'll leave it then as Monday the 21st, unless I am advised otherwise and we will call a different time.

HON. A. ANSTETT: Can I suggest we set aside both morning and afternoon again; hopefully, we may need more time to go through some of the detail next time?

MR. CHAIRMAN: Ten o'clock, Monday the 21st.
Is there anything else to come before the committee? There being naught, committee rise.

COMMITTEE ROSE AT: 12:45 p.m.





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