

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS**  
**Tuesday, February 20, 1990.**

**TIME — 10 a.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Mr. Parker Burrell (Swan River)**

**ATTENDANCE - 11 — QUORUM - 6**

*Members of the Committee present:*

Hon. Mr. Driedger (Emerson), Hon. Mrs. Hammond, Hon. Mr. McCrae  
Messrs. Ashton, Burrell, Carr, Cowan, Evans (Fort Garry), Minenko, Praznik, Mrs. Yeo

**APPEARING:**

Hon. Clayton Manness (Minister of Finance)  
Mr. Reg Alcock (Osborne)  
Mr. Harold Gilleshammer (Minnedosa)  
Mr. John Angus (St. Norbert)

**MATTERS UNDER DISCUSSION:**

Privileges and Elections

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**Mr. Chairman:** Order, please. I call the Standing Committee on Privileges and Elections to order to resume consideration of the alleged matter of contempt referred to it by the House.

When the committee last sat on Tuesday, February 13, the Chairperson gave a statement to the committee, a background paper was circulated, and other committee Members gave some opening remarks. In addition, the Honourable Mr. McCrae had moved a motion which reads as follows:

THAT this committee report to the House its recommendation that the subject matter of this committee's deliberations be referred to the Standing Committee on the Rules of the House.

The committee had been in the process of debating this motion and had yet to vote on it before the committee rose last Tuesday.

Is there any further debate on this motion? Mr. McCrae.

**Hon. James McCrae (Government House Leader):** Mr. Chairman, I am not certain just where Honourable Members want to take the discussion this morning, whether there is any need for it. I listened to some of the comments at our last meeting and I think there was sufficient time for Honourable Members to debate the motion that I had made at that time.

If, however, Honourable Members have other matters they want to discuss or some other approach they want

to take, I would be prepared to withdraw that motion to clear the way for Honourable Members to raise whatever other issues they had in mind to raise. At this time I would ask for leave to withdraw the motion that I put at the last meeting.

**Mr. Chairman:** What is the will of the committee? We would have to have leave to withdraw the motion. Mr. Ashton.

**Mr. Steve Ashton (Second Opposition House Leader):** Well, I am not sure what the next step is in terms of the Government's own agenda. The Government House Leader (Mr. McCrae) moved the motion last week. There are elements to the motion, certainly have merit in terms of getting to the Rules Committee. I think we expressed last week our sense that we should not wrap up the committee before it has even dealt with the matter, especially since there has not been any appearance at the committee by the two individuals involved.

Is the Government House Leader still willing to send it to Rules Committee? Is that still going to be the position of the Government Caucus if this resolution is withdrawn, or has the Government House Leader now changed his mind on even that aspect?

**Mr. McCrae:** The impression I got at the last meeting was that Honourable Members on this committee from the Liberal Party and from the New Democratic Party were more interested in exacting a pound of flesh from the two Honourable Members we are talking about than they were of having a constructive discussion. So that being the case, that was my reason for wanting to withdraw the motion.

\* (1005)

**Mr. Laurie Evans (Fort Garry):** Mr. Chairman, I am disappointed in the comments from the Honourable Minister of Justice (Mr. McCrae) here, I do not think there was anything stated at that meeting that could be construed as an attempt to exact a pound of flesh. I think that this is a matter that is a serious matter, but I think that it is one that can be dealt with in a fairly straightforward fashion. To me, the question that is involved is whether or not the actions of the two Honourable Members were in contempt or were not.

It seems to me that the first thing that has to be determined is whether in fact there was contempt. If the decision is made that there was not, then I would think that the deliberations of this committee could be very short. If the decision is made that there was in fact contempt, then the next decision is to what if any punishment—if that is the word you want to use—is taken. There may be a decision that there should be no punishment, or there may be a decision that there is some very moderate form which could almost be

tokenism taken in order to at least bring to the point that this was a serious issue.

Following that, there could be recommendations that this should go to Rules Committee so that there are rules brought into place which would prevent the same type of thing occurring in the future. I think to prolong the debate is really a waste of time. I think the important thing for this committee to decide is what needs to be done in order for this committee to make the decision as to whether there was contempt or not. The options that are available obviously are to look at the material that is before us at the present time, if we feel that is adequate, and make a decision based on that.

Another opportunity that I feel is appropriate would be to give the two Members the opportunity to come forward and make voluntary statements if they feel that they so wish. There is also the option of requiring others to come forward and make statements if the committee so decides. I think this can be done in a step-wise fashion. I think the thing that is important this morning is to decide what we need, in addition to what we already have, and if there is anything else needed in order to make that decision as to whether there was an act of contempt or not.

I think for the Honourable Member to say that there is some indication that the Opposition are out seeking a pound of flesh is certainly an exaggeration of anything that was intended or stated in the previous meeting.

**Mr. Ashton:** I totally agree with the Member for Fort Garry (Mr. Laurie Evans), and I cannot believe the statements from the Government House Leader (Mr. McCrae). Last week we met in this committee; we had an extensive preliminary discussion. We asked for a meeting within a week, but some days later, to give the opportunity for some discussions back and forth. The Government apparently wants to have these committee meetings continue. There have been no overtures from the Government, no suggestions of ways to resolve this, despite a number of recommendations that were made as part of that committee hearing last week. For the Government House Leader to talk about exacting a pound of flesh is the most ridiculous and absurd statement I have heard him make on this issue, and he has made a number of ridiculous and absurd statements.

I agree with the Member for Fort Rouge (Mr. Carr). It is insulting in the extreme, and I could respond further in terms of some of the statements the Government House Leader has made, but I cannot understand why the Government House Leader seems intent on continuing this when at every turn we have made suggestions on ways in which this matter can be resolved. I cannot understand why today, after moving the motion last week, he comes and wants to withdraw a motion because "the Opposition wants to get its pound of flesh." That is a nonsensical statement in the extreme. It is absolutely absurd, and I would hope that by the end of this committee meeting the Government House Leader would withdraw that.

I would also hope that, instead of coming in with this attitude of having a confrontation on this issue at this

point, he would listen to what was said last week, listen to what I said last week, listen to what the Member for Churchill (Mr. Cowan) and other committee Members said. I do not want to be sitting here for the next three months hearing the Government House Leader come in with statements like this which just continue this matter.

I think there is a very, very easy way of resolving this. I said it last week. First of all, we have two issues. One is the issue of changing the rules so this does not happen again. That can be resolved by going to the Rules Committee. The second is in terms of the particular incident. I am sure if we had the Minister of Finance (Mr. Manness), I am sure if we had the Member for Minnedosa (Mr. Gilleshammer) here today, if they had perhaps been allowed to attend—I do not even know if they were allowed to attend or not by the Government House Leader (Mr. McCrae). Let us not forget that the Government House Leader told the Member for Minnedosa not to attend the meeting of the committee that was recessed at nine o'clock, after the events that took place. That was indicated to us by the Member for Minnedosa so the Government House Leader, I think, should—

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\* (1010)

**Mr. McCrae:** Would the Honourable Member for Thompson like to repeat what he has just said about instructions given by the Government House Leader to the Member for Minnedosa, to make sure the record is perfectly clear?

**Mr. Ashton:** That was what was indicated to us. It was indicated to us the day after the occurrences that the Chairperson had been instructed not to attend the meeting, Mr. Chairperson, and if the Member wants to get into the discussion of this and provide information on who had indicated to the Chairperson that he should not attend, I will be glad to do that, Mr. Chairperson.

But, once again, do we really want to go through this, do we want to go into the minute detail of what occurred on that evening? We have discussed it enough times. I think we all recognize that what happened that night was a mistake on the part of the Members involved. We all make mistakes, I said so last week. I have made mistakes. What did I do, Mr. Chairperson? I got up in the Legislature and said, I apologize, I withdraw the comments. What is so wrong in this case with the Minister of Finance (Mr. Manness), or the Member for Minnedosa (Mr. Gilleshammer) coming in, explaining the comments and saying: Perhaps I should not have done that, perhaps it was a mistake. Just resolving it at that point.

Why is it the Government House Leader is throwing himself in front of this committee, roadblocking its progress, and why are we not dealing with talking to the Members themselves? I think they are reasonable, I think they would be reasonable if they came to this committee. This committee would be reasonable. I do not want to be here for the next three months listening

to the Government House Leader come up with a new version of his particular insulting comments that he made this morning. I attempted last week to stay away from responding to the Government House Leader, but then it has to be laid squarely on the record that this Government House Leader has a personal agenda on this issue that does not want to see it resolved in a way that does not . . . Forget about a pound of flesh from the Members that vote.

I do not know if he wants to see this resolved at all; perhaps he enjoys coming in here every week and engaging in debate with Members of the Opposition. Well I am tired of debating for the sake of debating, let us deal with changing the rules and let us deal with the incident that occurred. I do not think anybody wants a pound of flesh, they just want a reasonable and a speedy resolution of this matter.

**Mr. Chairman:** Is it the will of the committee now to deal with the resolution, or do you still want . . . Mr. Driedger.

**Hon. Albert Driedger (Minister of Highways and Transportation):** Well, the resolution has to be withdrawn, by leave, and I think that can be decided maybe a little later. I feel the same way as I think most Members, that we would like to resolve this as soon as possible. The House Leader for the New Democratic Party has indicated that we should deal with the two people involved and, whether an apology is required, or obtained, I do not know. It was my understanding that both Mr. Gilleshammer and Mr. Manness expressed regret at what they had done publicly, and I think they also did in the House, if I caught that correctly.

My question would be, at this stage of the game, what further action would the Members of the Opposition request that take place. I just raise this because there has been reference made that they are not here, and I think this committee has the power and authority to request that they appear here, but that has not been done. If this is the case, then we should deal with that. But when it comes down to the fact of exacting an apology, it was my understanding, in my conversation with both Mr. Gilleshammer and Mr. Manness, that they felt regret at what had happened and under the circumstances I think would have been prepared to forward that in writing, or possibly even indicate that again, though I thought they had done that.

So I am asking, basically, of the committee what is the next step? Mr. Ashton has indicated that it is easy to resolve at this stage of the game and I think we are open to suggestions on that.

**Mr. James Carr (Fort Rouge):** Mr. Chairperson, what has to be done at this stage is to determine whether or not a case of contempt can be made, and the committee must decide how it goes about making that decision. The first step is to determine whether or not it wants to give an opportunity to the two Members involved to state their case in front of the committee. We believe it is only fair that they be given that option. I have a motion prepared. I know that I cannot put it

on the floor until we deal with the one previous. Let me suggest that we deal with the motion on the floor and then I am prepared to submit another one for the committee's consideration.

**Mr. Ashton:** Yes, could you read the resolution, please?

**Mr. Chairman:** THAT this committee report to the House its recommendation that the subject matter of this committee's deliberations be referred to the Standing Committee on the Rules of the House.

If anyone would like a copy of the resolution, we have it prepared. Mr. Ashton.

\* (1015)

**Mr. Ashton:** Yes, Mr. Chairperson, we do want to see the rules aspect go to the Rules Committee, but we do not want to see the other matter closed off, unless, as I said, I believe it is easily closed off if the Government will take a more reasonable position.

What I am looking at is amending it. If the Government House Leader (Mr. McCrae) wants to have a resolution referring this to the Rules Committee I think that is fine, but it should not be the final report of the committee. That is the problem that we have with the resolution, this committee report to the House its recommendation. I believe if we can work out a preliminary recommendation that goes to the Rules Committee, we can continue our sitting, hopefully resolve this matter, and get the rules aspect underway.

**Mr. McCrae:** Mr. Chairman, let us withdraw this motion at this time. We will see what the Honourable Member for Fort Rouge (Mr. Carr) has to offer.

**Mr. Chairman:** Is there leave of the committee to do this? No leave. Mrs. Yeo.

**Mrs. Iva Yeo (Sturgeon Creek):** Does Beauchesne's allow you to table a motion and then go back to it and bring it off the table after the other motion has been considered, at a later date?

**Mr. Albert Driedger:** Possibly the Member for Fort Rouge (Mr. Carr) can indicate, without making a motion, what he intends to bring forward that gives us an idea what we are looking at.

**Mr. Chairman:** That sounds very good. Mr. Carr.

**Mr. Carr:** Very simply, Mr. Chairperson, is it a motion that the Minister of Finance (Mr. Manness) and the Member for Minnedosa (Mr. Gilleshammer) be invited to appear in front of this committee if they choose, to make their views known on the matter of alleged contempt to the Members of this committee?

**Mr. McCrae:** That motion could well go forward. It is a question of whether Honourable Members here feel that the matter was not adequately canvassed at the last meeting and if they feel it is necessary to bring these Members in, either by invitation or by order, whichever way they want them to come in here, if they

think that is necessary to get to the bottom of this when all the parties involved—certainly on our side, we have acknowledged that we feel that we had a role to play that night, or our Members did, as did other Members from other Parties. If Honourable Members still wish to bring these Members here to be held accountable further in view of all the discussion there has been had, you know we do not have any objection with that, if they choose.

The only point is I do not know why this matter has to be dragged out any further either. Everybody knows what happened that night. There has been plenty of discussion. Honourable Members forced the House to spend two days on this issue in the House and now this is our second meeting, but if that is what the Honourable Members want to have, we are not going to stand in the way of such a procedure.

**Mr. Mark Minenko (Seven Oaks):** I just want to—I was indeed concerned last week when the Minister of Justice (Mr. McCrae), the Government House Leader, introduced the motion. I would have thought that perhaps he would have had some further advice with respect to process from either the Member for Lac du Bonnet (Mr. Praznik) or some of his advisors or counsel in the Attorney General's office on this matter and other matters.

I think his resolution that was introduced last week—matters that were introduced last week—was something that undoubtedly will be a recommendation of this committee because obviously there are changes to the rules that are required.

I was indeed concerned when the Minister, the Government House Leader (Mr. McCrae) introduced this motion before we had even started the whole process of examining the various issues involved. To me it was like a red herring, so that we would be discussing something completely different than the matter at hand.

If the Minister talks about delays, I think he needs look, as there is a Ukrainian expression, "he needs not look further than his own nose," for delays. I would hope that the motion that is on the floor is, as I want to repeat, a red herring, because undoubtedly it would be a recommendation of this committee. I would certainly hope our friends from the second Opposition Party would agree to rescind this, to set this matter aside to be dealt with at another occasion. By us setting this aside now, the Members know full well that it does not mean another motion like this cannot be introduced at a later time. We can today get to the matter at hand. What has really been happening is we have been deflected from what we are here to consider as almost an administrative tribunal and a quasi-judicial function.

\* (1020)

With respect to the invitation that the Member for Fort Rouge (Mr. Carr) has put forward, it certainly fits well into the discussion introduced by the Member for Fort Garry (Mr. Laurie Evans) when he said the whole issue is of natural justice. If these people, these two Members, wish to present their situation before this

committee, indeed they should have an opportunity. It would indeed be natural justice for them to explain the reasons why they did certain things in a certain way on that particular evening. So I would certainly ask that the motion the Government House Leader (Mr. McCrae) introduced last week be set aside and we continue on with our discussion as to how we are going to review the matter and the facts at hand. Outside of that, I think we were tossed a red herring to exactly get into this sort of discussion.

**Mr. Chairman:** Mr. Ashton, did the committee want to take a brief recess? Everybody is negotiating, and I like this.

**Mr. Ashton:** Mr. Chairperson, I wish some of these discussions had taken place over the week. I wish the Government House Leader had given some notice of his changed intent on this particular matter. This has been thrown out on the table at the committee rather suddenly, and we want to make sure.

Once again, there are two aspects of this—the rules and a specific incident. We want to make sure that both of them are dealt with. Quite frankly, I want to make sure that we are not here for every Tuesday morning at ten o'clock for the next three months, which we could be unless there is some resolution of this matter. I know the Member for Churchill (Mr. Cowan) had a suggested amendment, which we have been working on, to allow this matter to concurrently go to the Rules. I think the Rules issue is fairly clear, no matter what happens in terms of our deliberations in terms of what happened that night.

We have a situation where right now a chairperson of a committee can walk out and the committee can be paralyzed. We want to make sure that does not occur again. There is probably need for a broader although not an unlimited review of the role of committees generally. I think we may in fact be able to improve the functioning of committees from both sides, which may, I believe, assist both the Government and Opposition Members in terms of the functioning of their ability.

But once again, when matters are just thrown on the table like this, it really creates a great deal of difficulty for those of us on the committee. I believe all of us want to resolve this matter. Your suggestion for a recess may be in order, but I do not know what the intention of the Government is. The Government House Leader, if they want—

**Mr. McCrae:** Mr. Chairman, we have asked for leave to withdraw our motion. The Honourable Member for Fort Rouge (Mr. Carr) has a motion that he has given us notice of now as to what is in it. You know we are at the pleasure of the committee. I just made the comments I made because as far as I am concerned, the matter has been canvassed. Here we are in another meeting. There are all kinds of other Government business we could be doing, but here we are doing this. If that is the wish of Honourable Members, that is what we are here for.

**Mr. Ashton:** I would follow up on the chairperson's suggestion and other members of the committee and suggest we recess for five minutes.

**An Honourable Member:** Let us make it 10.

**Mr. Ashton:** Another 10 minutes perhaps.

**Mr. Chairman:** Is it the will of the committee to have a 10-minute recess? The committee will reconvene at 10:40.

\* (1025)

### RECESS

**Mr. Chairman:** Is it the will of the committee to extend the recess another five minutes?

**Some Honourable Members:** Agreed.

**Mr. Chairman:** So be it.

\* (1050)

### RECESS

**Mr. Chairman:** I call the committee to order. Mr. Driedger.

**Mr. Albert Driedger:** I just want to indicate that prior to break there seemed to be some desire to possibly have the both Members appear if you wanted to. I have made contact with them. Both have their commitments, but they both have voluntarily appeared here. Once again I repeat I think they had already expressed their regret at what happened that evening, and that was confirmed by the statements made by the Member for Churchill (Mr. Cowan) last meeting I think.

I just want to indicate that Mr. Manness is in Treasury Board at the present time. If there are questions or some discussion that could take place, if that could be brought forward as expeditiously as possible, we would appreciate that.

**Mr. Ashton:** We do have a bit of a problem in the sense we are dealing with the resolution. I do believe we need to resolve that, the motion, pardon me, that was on the table. We were going to be moving some amendments to deal with our concerns which hopefully the Rules matter resolved.

I would just like to ask how much time the Minister of Finance (Mr. Manness) has. While I certainly appreciate his appearance, the appearance of the Member for Minnedosa (Mr. Gilleshammer), we do not want to rush through and not give them enough time or keep them from other responsibilities. We may want to schedule a committee hearing to be able to hear them in terms of the fullest sense of the word. I appreciate their appearance here. I think that is very positive in terms of the functioning of the committee. I am just wondering if we could get some indication in terms of that, because we do have this other resolution related to the Rules Committee that we did want to deal with. It is just a question of . . . .

**Hon. Clayton Manness (Minister of Finance):** Mr. Chairman, if I could just make a brief statement to

explain why it is that I have come out of Treasury Board to be here this morning. I wonder if that is all right with Members of the committee?

**Mr. Chairman:** Is it the will of the committee to hear a statement by the Minister of Finance? Mr. Ashton.

**Mr. Ashton:** May I make the suggestion, if the Minister of Finance only has time for the brief statement, if Members have questions, that we can attempt to schedule at another time, but I certainly think we should do whatever we can to accommodate the Minister now that he is in the committee.

I wish quite frankly that if we had known about this, if the Government House Leader (Mr. McCrae) had taken the opportunity to arrange this in a formal way so as we could have arranged a more appropriate time for the committee hearings or arranged the time. I do not want, on a matter as significant as this, to rush through the Minister of Finance either in terms of his own statement or in terms of any questions Members have. I am just wondering once again what the Minister of Finance's schedule is. Is he able to attend the rest of this committee? Is he wishing to make just the statement and then return to the Treasury Board?

**Mr. Manness:** Mr. Chairman, let me say that I am prepared to spend the rest of the morning here if indeed we are not into procedural exchanges back and forth. I am prepared to give evidence, to answer questions, whatever the wish of the committee is. But if it is the committee's decision that they want to engage in some procedural matters, I can attest to the fact that I have come out of Treasury Board. There are certain decisions that are wanting my presence, and I certainly should be there. I will postpone that indeed if we are going to do something substantive for the next hour.

**Mr. Ashton:** We do have this motion we are dealing with on the floor, and we do have an amendment. I do not know what kind of debate will take place. Could I suggest that we deal with that and if we can get the Finance Minister back whenever we do finish dealing with that.

The way this committee has gone—I hope you will bear with me—it has taken a life of its own. Sometimes the most simple discussions seem to end up being a two-and-a-half hour debate and exchange of, in some cases, not much more than insults.

I think if we can either do that, call you back in at that time, I do not want to see not enough time for your statement and for questions afterwards.

**Mr. Manness:** Again, Mr. Chairman, I realize the manner in which this committee is finding itself, having read the transcript from a week ago. I too am concerned about the productivity associated with all of the time and the energy of those people on the committee. I am wondering whether or not I might be allowed to make a statement, and hopefully that would help; maybe it will not. I do not know. I certainly again will leave it in the hands of the Members of the committee.

**Mr. Chairman:** Is it the will of the committee to listen to a statement by the Minister?

**Mr. Ashton:** Just on that, I would suggest too that if we do end up back on procedural motions, we will make other time in terms of the committee so that the Member can answer questions -(inaudible)-

**Mr. Chairman:** Is it the will of the committee to listen to the statement from the Minister? (Agreed). Mr. Manness.

**Mr. Manness:** Mr. Chairman, my comments will be very brief. Let me say that in providing them I hope that I do not sound in any way pious or sanctimonious, because that is not my intent.

Mr. Chairman, I do not quarrel with the Opposition Members who have called into question their parliamentary privileges, or how it is that in their viewpoint they have been denied by certain actions of myself, particularly, on the early hours of the morning on May 2, following along from a committee called May 1. I certainly recognize the seriousness of my actions on that late evening-early morning. Indeed I recognized the seriousness of my actions at that point in time.

I am not going to try to relive the events that evening. I will certainly spare the committee that, because that is all part of the record, indeed have been argued most properly in my point of view by our House Leader. Again, I will express my regrets for exiting the committee in the fashion I did. If Members, though, are asking me to apologize for those actions, I say, in all sincerity, I cannot. At the time I sensed I was hopelessly and helplessly trapped, and that given the knowledge that I had which other Members of the committee did not have, with respect to my duties as an executive councillor and the tremendous pressures that were coming to bear the next day, I took a course of action which is obviously the reason that we are debating the issue here today.

However, as I begin to read the transcript from a week ago and the continuing dialogue around this issue, I am beginning to think that the whole issue is beginning to take on the spectacle, and I use the word advisedly, but nevertheless the spectacle maybe of the absurd a little bit. Nevertheless, I recognize the committee has full responsibility to try and find a better way, and to try and find a better solution, and try and find a way that this may not happen again, but I think that it is time that we all recognize that there is a better use of our time and our energies. That is why I have asked our House Leader to come forward today and try and put all the procedural stuff aside, and just let the committee decide what my fate should be, Mr. Chairman, nothing more, nothing less.

I certainly will fully accept it. That is the essence of my statement. I guess, beyond that, if there are specific questions that Members want to put to me either now or in due course later on this morning, by all means, I am prepared to make myself available.

**Mr. Laurie Evans:** Well, I appreciate the comments from the Minister of Finance. I think that while there may be questions that I would like to put to the Minister I do not think the questioning of the Minister at this point is really what I would regard as the urgency. I

believe that I am speaking on behalf of our Party, that what we are more concerned about is an opportunity to have this whole issue, not the contempt issue per se but the issue of rule changes, brought forward in a manner where an attempt can at least be made to change or modify the rules so that this type of an issue does not arise again.

Now maybe, Mr. Chairperson, I am being a bit naive here, but it seems to me that there needs to be a commitment from the Government to ensure that the Rules Committee will be called and an opportunity will be provided for all those who would like to participate to bring forward suggestions that can be looked at in terms of modifying the rules to preclude an issue of this nature coming up again. That to me is of more significance than the issues of contempt and punishment that have been brought forward as the issues here. I think somehow a remedial action for the future is of importance here, and I would like to throw that on the table for a further discussion, if there is any, Mr. Chairperson.

**Mr. Reg Alcock (Osborne):** I have a question for the Minister and it comes right out of your remarks right now, Clayton. I just do not understand. The one thing that I have not understood about this whole process from the day it happened—everybody accepts that people get angry at night and do things and you have given several explanations. You have said that you regret your actions. Once a Speaker, after going to great lengths to research this thing, to come to the finding that he did—it took it out of the spectre of a debate between political Parties and put it into the context of a true transgression of the Rules of the Legislature, a true transgression of the traditions of the House.

\* (1100)

Now, Jim came in and attempted to smear the table and to say it was really their fault that all this happened. But I think, stepping aside from all of that, Clayton, I just do not understand why you simply just do not apologize to the House for your actions. In a sense it is like transgressing against the referee at this point, and your refusal to do that strikes me as odd, quite frankly. I would like you to explain why.

**Mr. Manness:** Mr. Chairman, that is a value judgement that each and every one of us, as human beings, put to all our actions, whether we are Members of the Legislative Assembly, indeed or whether we are members of a household or members of a community, far outside political life. Mr. Alcock probably would not know, because he has not seen it in his short period within the House, but certainly on several occasions, in my tenure within the Legislature, rulings have come down against Members and they have been asked to withdraw remarks or apologize literally for some remarks they have made.

Under the circumstances some Members, and I can think of, on both political Parties—this knows no bounds—Members have chosen not to. It is a matter of principle for them to some extent. It is a matter of pride I suppose in other extents. It may be for whatever

number of reasons, reasons that they feel they cannot offer an apology to the House. Of course, then the Government House Leader is called upon by the Speaker as a servant of the Legislature to bring forward a motion dealing with corrective action, or indeed a penalty.

That has been the experience of Parliaments from the beginning of time. The Member is fully aware of that. I have seen it happen and I am saying that—I hear the MLA for Churchill (Mr. Cowan) say, well, not contempt. Mr. Chairman, again I indicate that if the Members want something beyond that from me, if they feel that I was not totally in a unambiguous position that evening, if I did not know where events were heading, I say to them I was. If they would ask me the question—well, would you do anything different under the circumstances?—I would have to say, in all honesty, no. That is only because I could see, in my view at least, the intent and the motivation of the Opposition Parties that night. I would love to be able to offer the apology in the fashion which would put this whole issue to rest, but I regret that I cannot.

**Mr. Alcock:** You keep casting this back into a debate between the Parties. I mean it strikes me that the situation we are in right now is that it is against the House. You are not apologizing to the Opposition, you are apologizing to the House. That is what the Speaker has outlined for you and it is simply beyond me, and it has been beyond me since the day the Speaker made his ruling why the two of you have not resolved this the same way you would expect anybody else in any other circumstance when a Rule outside of the protagonists has come down, a ruling has come down, that has said, you were wrong. You admit you were wrong, and yet you will not do the simplest thing that would resolve this whole issue.

**Mr. Manness:** Mr. Chairman, I have never admitted that I was wrong. I admitted that I certainly fully regret that the circumstances that were in place that evening caused me to take an action that I wish I had not have had to have taken. That is what I have said. I have never, ever sensed that under those circumstances, from my reading, that I was wrong.

Now, the Speaker of the House, in support of the rights and the privileges of all Members, indeed of all Members, has come down with a ruling. He is a referee, and he has indicated that I was, and I quote: “. . . as a matter of privilege with respect to the actions of the Honourable Minister of Finance and the former Chairperson of the Standing Committee, the Honourable Member for Minnedosa.” He claims that I was in contempt.

I guess what I am saying is that I personally do not accept the ruling, and I am appealing. I am, therefore, appealing to this body, and this body then has to decide, outside of my apology, through the Speaker, to the House, has to decide then what it wants to inflict as some type of sanction against my action. That is the purpose for me coming here.

**Mr. Ashton:** Mr. Chairperson, I am surprised, I am disappointed. I mentioned this in committee the last

time, and I want to mention this to the Minister of Finance (Mr. Manness) this time. A number of years ago he may remember when I had my letters intercepted, which had been sent to where I formerly had an office which had been occupied by four Conservative MLAs. I believe you were in the office in that area. I got up on a grievance, and I said that the Conservatives had intercepted my mail. I believed that to be the case. I had proof, it was information that could only have been attained by the interception of the order, I knew it had been sent to that office. I got up and I said it had been intercepted by the Conservatives and there was an objection raised by each and every MLA in that office. I think, Clayton, you were one of the MLAs that were involved and you said: this implicates me as a Member of the Legislature. Your accusation implicates me, and I did not do it, I did not intercept the mail. I said to myself, I know it was intercepted, it was sent to that office, someone found out that information. I was absolutely right in my own mind about what I had said.

What happened was the matter was raised in the House. Mr. Speaker made a ruling, and I was asked to withdraw the comments. In fact I still remember discussions with the Member for Churchill (Mr. Cowan) who came over to me and said, you may be right, your letter may have been intercepted, but they do have a point, they do have a point, it is not right to implicate people, even unintentionally or indirectly, Steve, you should apologize. I had not only to apologize, I had to apologize to the satisfaction of the Members that had raised this matter.

That is a parliamentary principle. If one looks through Beauchesne's, for example, in terms of unparliamentary language, accusations made against the Member, the parliamentary tradition in this particular case is that an apology is made to the satisfaction of the Member that has raised the point, and it is a broad apology. That is why I am surprised, and I want to ask this, Clayton. I have been through it. Quite frankly, I do not know what would have happened if this matter had not gone to a ruling of the Speaker. If I made an accusation, some feelings might have been hurt. It was not going to obstruct the Legislature. It was not going to set a precedent. What precedent would it have set? Someone would have gotten up and said, well, if the Member for Thompson can make accusations like that, I would do it. Really, it would not have obstructed the Legislature, but I still recognize in my own mind—I said I was right to a certain extent, but I was wrong to say what I did. That is why I apologized with no qualifications.

That is why I ask you, Clayton, in this particular case. In reading your comments and listening here, I sense some regret, but do you not feel it is inappropriate as a Minister appearing before a committee, after in this particular case a motion to adjourn had been moved and had been voted down, there had been a normal attempt within the Rules to shut down the committee, to just walk out? I am not suggesting you made the decision. I would like to ask you a few questions later in terms of what happened, because I do believe quite honestly that it was not your decision in terms of that, although you made the conscious decision as an

individual to walk out. Do you not feel it is inappropriate, that it is a bad precedent? Do you not feel that you made a mistake by walking out of that committee, Mr. Chairperson? I would just like to ask that.

The second question based on that is this: If you do feel it was not the appropriate thing to do, why not just simply say, you made a mistake and you apologize for making the mistake? I have done it. I do not know if the Member for Churchill (Mr. Cowan) has had to do it. He probably has on many occasions.

**Mr. Jay Cowan (Churchill):** So many times I care not to remember.

**Mr. Ashton:** There are other Members. The Member for Emerson (Mr. Albert Driedger) I am sure has had to make some.

**Mr. Albert Driedger:** Never have.

**Mr. Ashton:** Well, he has never had to make any apologies. I do not mean to make light of it, but we all go through this. The reason I am asking this, Clayton, is because normally there is not even this extensive discussion. If the Speaker rules, that is it. You are on the spot. Do you withdraw or not? If you do not withdraw, you are named. If you are named, you are ejected from the House. The withdrawal has to be unequivocal.

In this case, we are into a different scenario. We do not have such direct opportunities to do that. I recognize that. I am just asking you why you will not do it at this point in time. Why not just simply say it was a mistake and that it should not happen again?

\* (1110)

**Mr. Manness:** Mr. Chairman, the Member for Thompson, Mr. Ashton, makes an eloquent presentation from his point of view. I remember the example that he uses, because it is real. I remember it well, and I think I was maybe a semi part to the whole event.

I can assure him, as occurred in that case, that I have been asked to withdraw statements several times by the Speaker. Mr. Ashton and I have been in the House the same length of time, and he is fully aware of the number of times I have been asked to withdraw a statement. It has been many, and I have had no trouble withdrawing comments that I have made where I have transgressed the rules of the House, because if I do not, I recognize the action that will be taken. The Speaker has no alternative, if I do not withdraw, but to name me. That was the same situation in his case.

So let us not confuse this issue with that, because this is a little different issue. The operative action I am taking may be different, but still a lot of the considerations in themselves may or may not be. Within the House, I have withdrawn statements many times and am happy to do so.

Mr. Chairman, we now are talking about a situation where I walked out of a committee after a motion to adjourn was denied by the majority on that committee.

Again, I reiterate, I walked out of the committee knowing fully well the seriousness of it. That was a value judgment I brought to that action at that point in time. The Members opposite say, well, admit you made a mistake. I would say that I wish the circumstances had not been there that I walked out, but I was fully aware of my actions. I mean, I knew fully well what I was doing and so it has come down to this point.

The Speaker has ruled in a fashion which is saying that I was in contempt of the House. It has come to this committee to decide what my judgment should be. Members, if they are saying, well, we want an apology from you in the sense that the Member for Thompson (Mr. Ashton) had to apologize a couple of years ago with respect to the issue that he raises, I am saying that I took a deliberate action that night, because in my view I had no alternative. I had absolutely no alternative. For me now to say that I am sorry that I took that action, I can go as far as to say I regret having taken it. I wish I had not taken it, but to say that I am sorry I took it—under the circumstances, I am afraid I cannot offer that apology, Mr. Chairman.

Therefore, the committee should decide my fate and we should then move on to more productive issues and to the business of governing this province.

**Mr. Carr:** Mr. Chairperson, just very soon after I was elected there was information that was given to me during Question Period that I used on the fly out of which to make a question. The information turned out to be wrong and I did not know what to do, having brought false information to the House. My instinct was to sort of tough it out because that seemed to be what Members did.

I was sent a note by the Minister of Health (Mr. Orchard) who said, apologize. Cut your losses and it will all be over. When I thought about that it was a Friday. I remember the Member for Minnedosa (Mr. Gilleshammer), who is sitting at this table today, walked across the floor of the House, patted me on the shoulder and said, do the honourable thing and apologize. At about 12:25 or 12:26 I screwed up enough courage, Mr. Chairperson. I was a rookie MLA. I had never been in a position of having egg on my face by putting false information on the record.

It had to do with a matter that concerned the Minister of Highways and Transportation (Mr. Albert Driedger), as a matter of fact, who is sitting right across from me today. I apologized at about 12:29, thinking that I would probably sleep better over the weekend. The Minister of Highways and Transportation came over to me as soon as I had apologized and thanked me and complimented me on having taken the decision.

I felt much better for having made the decision, and I learned a lesson. I learned many lessons. One was not to take all information at face value, that more research is not only more responsible but probably safer and wiser, and that, when you have made a mistake and when it is acknowledged that you have, the best thing to do for you and for your colleagues is to apologize.

The Minister of Health was right. I did not hear about that issue ever again. I was not goaded or taunted or



needed by Members on the Government side. They acknowledged that I had made a mistake and I had apologized for the mistake and the issue was over.

I regret, Mr. Chairperson, that the Minister of Finance (Mr. Manness) is not taking the advice of his colleague, the Member for Minnedosa, his colleague, the Minister of Health, and his colleague, the Minister of Government Services, who I believe were absolutely right in the advice they gave me shortly after I was elected a Member of this Legislature.

**Mr. Harold Gilleshammer (Minnedosa):** Thank you, I would like to have the opportunity to make a few comments as well. Back in January I had an opportunity to put some of my thoughts and feelings and my recollections of that committee meeting on the record, and I stand by those comments.

I think there were two issues that have been raised as far as my conduct is concerned, that I have raised, and the first—and I do not know whether this committee has really looked at it—is that I feel that I was faced with a procedural dilemma. I can tell you that committee was different than any committee I had been in or have been in since I have been in this Legislature. There were tremendous feelings in the air that evening and a lot of tension and a lot of things said that surprised me. I think that I have not seen a committee like that since.

I do not know if you have looked at the transcript of the Hansard at the end of that committee or not. I have gone back and also listened to the tapes and I can tell you that it is my feeling that there were parts of the occurrences that evening at around 2:30 in the morning that were not on the record as you see printed.

I can tell you that I felt I was faced with a procedural dilemma at that time in that my ruling had been challenged, the Clerk of Committees was at my side, and the Clerk of the Legislature arrived shortly afterwards. I asked them for advice, and I asked the Clerk of the Legislature three times what do we do, that my ruling had been challenged. He said I do not know, this is unprecedented, I am not sure what advice to give you. As I say, I asked him that three times and received the same answer.

At that time I suggested to him that we recess so that he have a chance to do adequate research on it because obviously the answers were not in the Rule book, or they were not readily at hand. So we recessed the committee and I believe the Clerks did a lot of research. I am not sure what the outcome of that was.

I talked to the Clerk the next day and said, what outcome did you arrive at, what advice is there? He said it does not matter now, it is after 9 o'clock. I do feel we had a procedural dilemma, and if you look at the transcript from earlier in the evening, there were a number of times where the committee attempted to set the time and the place of the next meeting and were advised that only the Government House Leader (Mr. McCrae) could do that. That in my mind is the dilemma that we faced.

The second issue that I dealt with that day when I spoke in the House was whether or not there was

agreement to meet the next day. Certainly the transcript indicates people giving advice that the committee should be called again at 9 o'clock the next morning, but there was no motion to that effect.

I arrived here at the Legislature somewhere around 9:30 the next morning because I was on the Meech Lake Task Force and I was quite surprised to learn that people had assembled at nine, expecting that committee to be called. Now, if I am in error there, and did not understand that other Members wanted to meet at nine—I submit to you there was no motion passed to that effect—I regret that and I said that and I stand by those comments, because it was not my feeling that I wanted to not allow Members to proceed with this, but it was my firm belief that only the Government House Leader could set the time and the place of the next meeting.

People have asked me, would you do things differently next time and I guess, given the advice of the Clerk or the Clerk of Committees, I would have followed that, but that advice was not there because perhaps the time of the evening, the circumstances and, as I say, most likely given the experience we have been through here, would do something different. I submit to you that I think we had a dilemma, we did not have a firm time and place for the next meeting, and as a result a lot of this has happened and I regret that. I would stand by those comments. Thank you.

**Mr. Chairman:** Mr. Manness is actually next.

\* (1120)

**Mr. Manness:** Mr. Chairman, I just want to react to something Mr. Carr had to say about cutting one's losses and admitting you have made a mistake. I say to Mr. Carr, my word and the accuracy around my statements means an awful lot to me. It has over many years, and I could not agree with him more when it comes to the spoken word and what it is that one asserts as accuracy of fact. I can assure him that I have withdrawn statements many times in the past where indeed I was not on the soundest of foundations and found out subsequently that I was wrong and offered apologies around those numbers and total withdrawal.

I would ask that he not confuse this with a deliberate action taken by myself that evening because of the set of circumstances in place. In essence, if he is trying to coach me and say, well, just reduce, minimize your losses and apologize, I think I have explained earlier why I sense I cannot. I just wanted to say though that there is quite a difference as to what happened that night versus what happened in the House to him in his earlier career as a politician.

**Mr. Alcock:** I have a similar question to Mr. Gilleshammer and I am glad that he spoke. The thing that I have never understood with this right from the beginning when this occurred, I think everybody felt that Mr. Gilleshammer, as a rookie Member of the House, was put in a very difficult position by Members of his own caucus and was left really out there to dry.

When he took the action that he took, for whatever reason, people had a lot of sympathy for him right throughout the early stages of that. That sympathy evaporated when the Speaker came forward after many months of very detailed research and said, yes, in fact there has been a transgression of the rules of the House, there has been an affront against the authority of the House, and faced with the evidence he still did not apologize. We would have expected he, as another rookie Member had done, stand up and say: well, it is not just a battle between me and the other side, I recognize this, I regret it, and I would like to apologize not to the Opposition but to the House. So my question is, why not?

**Mr. Gilleshammer:** I think when I spoke in January and laid out these concerns that I have just stated, I said that—and I have said now—given what I know and the procedure that we have been through that I would probably do things different. I have indicated that I regret the actions that I took that evening and feel that there were extenuating circumstances, but I have offered my regrets.

**Mr. John Angus (St. Norbert):** Are the guests under oath at this hearing, Mr. Chairman, or are they just here as representatives?

**An Honourable Member:** I consider I am always under oath.

**Mr. Angus:** Mr. Chairman, just as a point of interest. The committee started on a rough road in the very beginning, on March 21, when they passed a motion requesting the Minister of Finance (Mr. Manness) to appear before the Committee on Economic Development. It was moved by myself and seconded by Jerry Storie that the Minister appear before the committee to discuss the divestiture of Manfor. That committee, he came in and made representation, said that he would be back on Thursday the 21st. On Thursday the 21st we adjourned that committee under the clear understanding from the Minister of Finance (Mr. Manness) that he would reconvene the meeting, or arrange to have the meeting reconvened, before the 1st of May.

Mr. Chairman, at that particular time he did, he acknowledged that he had lived up to his word by apologizing for being a day late, by coming in not before the 1st of May but on the 1st of May. At that time we had the agreement in front of us. On a number of occasions we asked the Minister to exercise his prerogative within the clause to postpone the signing of the deal so that we could go through the particular document on a clause-by-clause basis. He refused to do that.

Mr. Chairman, it seems to me that the committee should be addressing the degree of contempt that the Minister has confessed to and, as he has suggested, trying to identify some form of a penalty to that. The suggestion, by the third Party, that the rules need to be changed is an obvious one. The rules do need to be changed.

The degree of contempt, which the Minister has admitted to, is the question on the table. The fact that

there was no formal motion to recess the meeting till nine o'clock in the morning was because the Clerks advised us that we could not place a motion, because the Chairman had left the meeting. We really were hamstrung, whether it was innocent or not innocent. The question may be, why did he not reconvene the meeting for such a long period of time?

Mr. Chairman, the Minister of Finance (Mr. Manness)—we tried to, by leave of the committee on a number of occasions, rearrange the meeting. Some of them he agreed to, some of them he did not. When we tried to exercise sections of the agreement that would allow the postponing of the final conclusion so that a better understanding of the agreement could be made—we even asked him if he would go in camera to discuss elements of the deal; he indicated he did not want to go in camera.

Mr. Chairman, there was lots of willingness to try and be co-operative with the Minister of Finance. It was only his frustration at two o'clock in the morning, after a motion to adjourn was defeated, that he did walk out in contempt of the committee.

Mr. Chairman, I do not know how the committee deals with a confession of the Minister of Finance (Mr. Manness), that he readily, willingly, and admittedly was in contempt of the committee at that time and, furthermore, he is suggesting that he is not even sorry about it. I think the committee should be considering moving to the penalty. There is no need further to discuss or even ask Mr. Manness why he did what he did. He has readily admitted that he did it.

**Mr. Manness:** I did not want to relive any aspect of that but people said, why did you walk out? It was purely because of the fact that I recognized, around one o'clock in the morning, that there was a desire by certain Members of the Opposition to prevent the Government from signing a deal later on that week. That is purely the reason.

I had to decide whether the privileges of the Members of the House came before my responsibilities as an executive councillor of the Province of Manitoba. That is a difficult decision to make, Mr. Chairman. I chose in favour of my responsibilities, indeed duties, as an executive councillor of the Province of Manitoba, over the rights of the Members of the House. I cannot state it any clearer than that and on that basis I should be judged.

**Mr. McCrae:** Mr. Chairman, I have a question for Mr. Gilleshammer. A little while ago the Member for Thompson (Mr. Ashton) made a very, very serious allegation about myself, about compromising the independence and the impartiality of a Chairman of a committee of this Legislature, when he made the allegation that I had given instructions to Mr. Gilleshammer about his operation or his chairmanship of the Standing Committee on Economic Development.

I would like to ask the Member for Minnedosa (Mr. Gilleshammer) if, on any occasion throughout the piece, as a fellow Member of my caucus, as a friend, as a neighbouring MLA to mine, or as Chairman, or in any

capacity that either of us had at that time, whether I in any way made any suggestion, issued any order, told the Member to do certain things or not to do certain things. If so, what was it that I did do? Then if the answer is as I expect that it is, I would hope to hear from the Member for Thompson (Mr. Ashton) when we are talking about doing the honourable thing. I would like to hear from the Member for Thompson about that.

**Mr. Albert Driedger:** The Members are both here; I think they put their position forward. Whether we like it or not, I think they have outlined how they feel about the situation. I do not know whether there are any further questions that should be directed at them at this stage of the game or whether the committee should now try and deal with the position. I think the fact that they have come here illustrates the fact that they put their position forward. Aside from that, I do not know whether there are more questions that should be directed at them.

**Mr. Gilleshammer:** Yes, I would like the opportunity to respond to that. When I recessed that committee at 2:30 I did that on my own. It was a decision that I made, based on the advice or the conundrum that we were in at that time and the fact that the Clerk was unable to advise me because it was an unprecedented situation. I did that on my own without any urging from anyone else. I can tell you that I believe I was the only Member of our Party sitting at the table at that time, and that decision was made on my own.

\* (1130)

I have already indicated that when I arrived here the next morning, I was surprised that Members had wanted to meet at nine. I had no knowledge of that and I found out about that when I was on my way to attend the Meech Lake hearings. I took no direction from anyone, nor was I influenced by anyone. I can say that very directly, that the Government House Leader (Mr. McCrae) or other Members of our caucus did not influence me; that was my decision. I indicate again, if it was a misunderstanding on my part I regret that. Given all that has happened surrounding this committee, certainly I would do things differently another time. I acted on my own volition and I would hope that Members do not think that people tried to direct me in my decisions.

**Mr. Laurie Evans:** I would just like to pose a question to the Minister of Finance (Mr. Manness), and it is for clarification. I just want to be satisfied that I have understood what the Minister has said. That is, that while he regrets the action that he has taken, or did take at that time, he is not prepared to apologize for that action because, on a matter of principle, the Minister is not in agreement with the ruling that the Speaker made and is therefore regarding this committee as an appeal procedure in terms of assessing the ruling that the Speaker has made. Is this a fair assessment of what the Minister felt he had said?

**Mr. Manness:** For the most part, yes, I would say that because there were certain pieces of information that the Speaker, in making his ruling, could not accept, he

could not accept as evidence to his ruling because the Rules under which he has to reach a decision on this would not allow him to. We may want to call them extenuating circumstances, which are important to me, which I am sure have to be totally rejected by the Speaker of the House. He is not allowed to consider them in my understanding of his role.

I made my decision not to apologize taking into account those extenuating circumstances, whereas the Speaker of the House, who cannot take them into account, has had to rule with the *prima facie* case in front of him. That is the difference in our positions and consequently why I cannot offer the apology that the Member for Fort Garry (Mr. Laurie Evans) would wish to hear.

**Mr. Laurie Evans:** Well, I want to be clear on the record, Mr. Chairperson. I am not requesting the Minister to make an apology. If the Minister is standing on the basis of his personal feeling on this, then he has every right to do that because I have stated, not publicly, and I am quite prepared to put it on the record, that here, but for the grace of God, go I.

I think that the circumstances that occurred that night could have occurred to anyone else. Some would have looked at them and said, I regret them and I am prepared to apologize. Others, including the Minister, obviously have looked at it and he does not feel that he did anything that was wrong. Now he has indicated that there were extenuating circumstances. I would like to ask the Minister whether he feels that the extenuating circumstances that he is referring to are adequately addressed in the records of Hansard at any of the meetings that took place, or are there extenuating circumstances that he feels have not been adequately expressed to date that should be taken under consideration by this committee.

**Mr. Manness:** Mr. Chairman, the extenuating circumstances to which I refer have been discussed in subsequent meetings, although have not received a lot of coverage, and yet, I attempted to address them just in passing in my response to the Member for St. Norbert (Mr. Angus). I reluctantly wish not to even discuss them because I am afraid it will begin to relive the events of that whole evening again.

I am reluctant to indicate, other than to say this, as I have just said recently, I made a value judgment that collectively the Opposition had decided that they were going to take the proceedings all the way through the night, all the way through the best part of the next day, to frustrate the signing of an agreement, which they were pretty sure was going to occur within the space of 48 hours. There were many, many items still under negotiation that required my attendance. The easiest way for the Opposition to make sure that date of signing did not occur was to keep me at the committee. I may be wrong, but that was my belief. That was my belief at what the Opposition was trying to do, well, within I guess their rights, was in their parliamentary rights to do.

So, Mr. Chairman, those are the extenuating circumstances that have not drawn an awful lot of focus

to them through this continuing debate and dialogue, but to me are very important and to me which, to my point of view, that the Speaker himself could not take into account.

**Mr. Laurie Evans:** Well, just one final question to the Minister, he has indicated, and I certainly take his word for this, that this was a conscious decision that you made at the time that you left that committee meeting. I think you were fully aware of the implications of it in terms of aborting the effectiveness of the committee that night. I think it was obvious that the committee was not going to be able to function in a meaningful manner once you had left.

My question really is to the Minister: did you realize that you were taking action which in effect could be regarded by some as being in contempt of the committee and the Legislature when you took that, or did you visualize or realize the potential severity of the action you were taking at that time?

**Mr. Manness:** It is a fair question, Mr. Chairman. I say, that I recognized at the time it was a serious matter. In all honesty, leading to an inquisition, one where the actions and the power of the Opposition to deal in any manner with my future was not known to me at that point in time, but certainly I recognized it was a serious matter. As I said before, I knew I was denying Members of the Legislature certain of their rights. I mean, that was obvious and I made that decision consciously, because I sensed that the rights of Manitobans invested in me as an executive councillor were more important at that point in time.

**Mr. Minenko:** Yes, at—and I made a note of the specific time because I want to triple-check Hansard—about 11:10 earlier this morning, about half an hour ago, you were discussing about withdrawals of statements that you have made in the past and things like this about statements in the House. You seem to have attached at the end of one of your statements, and I wrote it down specifically so I would not forget, like I said, I wanted just to triple check. From what I understood from the statement, you had said that in those situations you had withdrawn various statements because of the penalty available where pursuant to the Rules the Speaker could ultimately name you. I think on a ruling that I took as Deputy Speaker, within a few short weeks after the beginning of the first Session, I took some matter under advisement that ultimately led to exactly that.

You seem to indicate that you have withdrawn because of the penalty available. Are you then suggesting that should a penalty have been set out pursuant to the Rules of the House for situations that are the subject matter of this committee that you would also have taken similar action and were you seemingly suggesting that should there not have been any rules with respect to naming on withdrawal of statements that you would not have withdrawn in the past? Could you comment on that?

**Mr. Manness:** Well, Mr. Chairman, I do not know whether the Member is trying to attack my character—

if he wishes to that is fine—or whether he is trying to say that he did not understand my statement. I said I am well aware of the Rules with respect to withdrawing. I am well aware that it is a conscious decision made by each and every one of us when we are asked to withdraw by the Speaker as to whether or not we withdraw. There is no Rule of law that says we have to withdraw. We know the penalties if we do not. I do not know what point it is that the Member is trying to make. I have said previously, or at ten after eleven, at least it was the intent of my comment, that usually we withdraw because we know the consequences if we do not. That is right. I am saying in this case, and that is why I came in here an hour ago or so, to say to the Members of this committee, you know the circumstances by which I left the committee and now if you sense that I should be sanctioned in some way, let us get on with that. I will leave this committee and decide my fate accordingly.

There are many important things to do in Government, much more important than me. So let this committee decide accordingly and let us get to it.

\* (1140)

**Mr. Ashton:** Mr. Chairperson, there have been some interesting comments this morning, an interesting contrast between the Minister of Finance (Mr. Manness) and the Member for Minnedosa (Mr. Gilleshammer). The Member for Minnedosa, and I will ask if I am not correctly saying what he said, as I understood it, said he regretted what happened and perhaps under the same circumstances would not make the same decision. That to my mind I would say is a very positive development in terms of this whole issue in this committee, because I disagree with the Minister of Finance who said that we withdraw things because we know the consequences if we do not. I feel we withdraw statements if we are to, if they breach our Rules, because they are wrong, not because of the consequences. That is what the rule of law is. That is what our parliamentary Rules are all about.

I am very surprised when the Minister of Finance comments too in terms of his suggestion that somehow as a Cabinet Minister he should put his responsibilities as a Member of Executive Council above the rights and privileges of Members of the Legislature. One of the most fundamental features of the parliamentary system is the fact that we have accountability of Executive Council directly to the Legislature or to the Parliament. In no other system that I am aware of are the Executive Councils, the Cabinet Ministers, required on a daily basis to be accountable in the form of Question Period. It is one of the unique features of the British parliamentary system. I was rather surprised. I want to once again when I pose my question to the Minister of Finance ask if I am interpreting his comments incorrectly.

What I am hearing from the Member for Minnedosa is regret; under the same circumstances again it should not happen. The Minister of Finance has regret really in terms of the consequences although he is willing to take the consequences although he feels, and I quote, the extenuating circumstances are the key factor, as

if because of the, quote, extenuating circumstances, we can breach rights and privileges of the Members of the Legislature. Just to be very clear in terms of what happened, I will ask once again if the two Members can restate this rather confusing process, if you will excuse me, Mr. Chairperson, as we are going back and forth asking different Members questions.

I do have one further question to the Member for Minnedosa because I just want to get in my mind clear, not what happened subsequent to the recess, but to deal with one question that has been raised in this committee and that is whether there was ever any question as to whether there was a legitimate quorum. There was a suggestion by the Government House Leader, and I had to phrase it in this sense, but there was some suggestion that the Chair had been less than competent at that committee hearing making committee substitutions and I do not suggest that was the case. I believe that the proper procedure was followed. I just want to ask once again so I can get a clearer idea of what happened, if whether the Member for Minnedosa at any time felt there was a difficulty in terms of improper substitutions, because there is no record of it ever having been raised either by the Chair or Members of the committee.

To the Minister of Finance (Mr. Manness), I just ask him again, and I want to get it clear in my mind what his position is. Given the same circumstances again, would he do the same thing all over again? It is fine to have talked about some regret, but I sense a big difference when the Member for Minnedosa (Mr. Gilleshammer) says to this committee that under the same circumstances he would not have done the same thing, and I respect that; and the Minister of Finance, who to my mind has said under the same circumstances he would do exactly the same thing all over again. So I ask those questions to those Members to get some clarification.

**Mr. Manness:** Mr. Chairman, let me clear something up for the record, in not only response to Mr. Minenko but also to Mr. Ashton. If I led them to believe that it was only the facing of a penalty that causes one to withdraw, nothing is further from the truth. I mean, it is one of principle. One is always aware of the penalty, but ultimately one decides on the basis of the principle at hand. If they decide the point that they made is not worth arguing or debating or it is not formed in strong enough principle, then naturally they will withdraw it, so I want to lay that to rest.

Mr. Ashton again talks about extenuating circumstances and the Speaker's ruling and principle. I would like to roll all three of those into one argument if I can. Members opposite do not know, for instance, that an offer made to us for the purchase of Manfor may have had an expiry time or date or hour that may have threatened the whole divestiture. They do not know that. Only an executive councillor can know that. It is when the Members talk about accountability to the Legislature, yes, of course there has to be accountability. I think we tried to demonstrate at least that we have gone beyond the norm to provide that and we can do better and we will.

But nevertheless, when it comes down to the Speaker's Ruling in an area of principle and whether

it is the Speaker of the House or whether it is a father or mother within our own household or whether it is the president of a corporation, from time to time specific rulings are made and underlings, so to speak, have to decide whether or not they can live with those rulings as a matter of principle.

I am saying to Mr. Ashton, as a matter of principle, taking into account the extenuating circumstances of which I was aware that night, and if the whole situation was to replay itself again, would I do anything differently, with the knowledge that I have, and if he is asking me to be honest here today like I think he is, I will have to indicate to him I just could not have done anything differently.

Now, it is on that basis then I ask the Members to decide my fate.

**Mr. Gilleshammer:** The issue of the quorum was raised by the Member for Thompson (Mr. Ashton), and it was a thought that crossed my mind when a motion was put on the floor to adjourn, and I can recall, as I listened to the tapes last week, turning to the Clerk of Committees and saying, we have to be absolutely sure that the people who are voting are legitimate Members of the committee. That was when I was concerned about the quorum because, as you are well aware, there were people coming and going and other Members there who were not committee Members. We spent some time—and there was a silence there on the tape—as we checked and double checked to see that the proper people were there. She did that. I was concerned about a quorum at that time.

Let me say that I find committees work in different ways. As a chairman who chaired some of the Estimates, I was told very directly there could be no variance from the rule, that you go line by line, except that is all changed when it is the will of the committee to start passing things page by page. I say to you that some of the Rules which I thought were ones that could not be bent or broken and changed in any way are sometimes changed.

I have a tremendous amount of admiration for the people in the House who have a knowledge of the Rules. We all know who they are, because they display that on frequent occasions. I can tell you that it has been a real learning experience for me to chair committees. I can well appreciate that it is a different situation in a minority Government to try and apply the Rules and have them challenged and so forth. I say to you that this has been a learning experience in the months that have passed since May 1 and 2 to discuss this issue with many of the Members.

I say to you again that if the committee feels I erred, that may well be so. I have indicated that I regret the feelings that I have heard that this was a deliberate thing. I made a decision based on the advice or lack of advice I had that evening. I think you have to appreciate that it was 2:30 in the morning. It was an unprecedented situation, and I have indicated that given the experience I have had with this at this time, in all likelihood I would act in a different manner. I am not sure what the ruling would be if we were faced with

the identical situation, because it seems to me that we were in a dilemma there.

Again, it was not my intention to put everybody through this. Given the experience I have had and what has been said here and what I have learned, I probably would act in a different way and have tried to resolve it there. Again, there was a lot of tension in the air that evening and an unprecedented event. The advice was not forthcoming at that time. The Clerk and the Clerk of Committees felt they needed time to do some research on it. As I indicated, I am not sure what the outcome of that was.

**Mr. Chairman:** Mr. Cowan -(interjection)- Mr. Evans, then.

\* (1150)

**Mr. Laurie Evans:** If Mr. Cowan is not about to make a motion, I would like to have an opportunity to make a comment or two and one final question to the Minister. This may sound as though it is getting a little too personal, but I have known the Honourable Minister for a long time, and I have held him with a great deal of respect. I still do, regardless of the outcome of this issue.

The dilemma I find myself in, Mr. Chairperson, is that I feel I am going to perhaps be in a position at the end of this to have to be satisfied that the Honourable Minister did what he felt was the right thing. He may have in fact done what I think is the right thing for him to have done under those circumstances. Yet to have to turn around and say that on the basis of the Rules of the House and so on he did the right thing but it was wrong makes it sound sort of foolish. I have a great deal of respect for anyone who has a personal sense of what they figure is the right thing to do at the particular time, and they stand by that principle and do it.

I just want to repeat what were essentially the last comments that he made that night, the fateful night of May 1. These were comments that were made by the Honourable Minister of Finance (Mr. Manness)—I want to make sure, yes they are, “Mr. Chairman, in my view, good and open Government should do things in this manner in reporting to all of Manitoba, but nevertheless the Government has to make decisions. It has to move on because there are basic decisions that have to be made. The Government has to govern and therefore I will be moving the motion that this committee now rise.” Those were essentially the last things of consequence that the Minister said that night.

My question is to the Minister. In reflection, was there any information that he feels now that could have been provided to that committee that may have resolved their concerns, that at the time he felt he could not have given? Had he gone as far as he personally felt, as the Minister responsible for the divestiture of Manfor at that time, that he could not further satisfy that committee? Had he gone as far as he felt was legitimate in terms of confidentiality and so on, that he could not satisfy them any further at that point?

**Mr. Manness:** Mr. Chairman, I want so badly to answer that question in full. I am reluctant to do so because

it may again cause a wide-open debate on the events of the evening. I said earlier that night, I think it was to the Member for Churchill, Mr. Cowan, that I was prepared to sit all night. I said that in all good intention as long as the line of questioning was productive and led to meaningful answers.

I became aware around midnight, at least in my interpretation, and Members are going to say you were wrong and so be it. I have to say this in all honesty to the Member for Fort Garry (Mr. Laurie Evans). Around midnight, 12:30, it became apparent to me, by the nature of the questions, No. 1; No. 2, by the shuffling in and out of the committee, that there was, again in my view, a deliberate attempt by Members of the committee for the first time in that Session to begin to hold me hostage for no other purpose than to prevent the deal from being signed.

That decision was made between 12:30 and one o'clock. That was made by me. I did not have it affirmed or confirmed by Members opposite; they would not tell me what the plan was. That was the judgment I made, because again the questions being asked were the same ones that had been asked several times before. Members were coming in and asking the same questions that had been asked by their Members who were leaving. The basis of their questions was unknown to their replacements.

Mr. Chairman, in answer to the question, it became patently obvious to me that there was an attempt to keep me there for the sake of frustrating the deal. I could not allow that to happen and consequently I revoked my spoken word to the committee that I would stay all night. Indeed the meaningfulness of the questions had begun to be lost.

**Mr. Minenko:** Could the Minister then advise us as to when was the deal actually signed?

**Mr. Manness:** Mr. Chairman, the deal was signed in its final form on the 4th, but I can indicate to the Members there were virtually three-quarters of the main negotiating points involving hundreds of millions of dollars that had yet not received final, final agreement. There was an awful lot of negotiating to do on that agreement. Indeed the negotiations took place starting at seven the next morning and basically never stopped through the nights until they were completed on the 4th.

**Mr. Chairman:** Now, Mr. Cowan. Oh, just a moment, we might as well . . . .  
Mr. McCrae.

**Mr. McCrae:** I understand he has something he wants to do in terms of—

**An Honourable Member:** Yes, he wants to.

**Mr. McCrae:** I wonder if the Honourable Member for Thompson (Mr. Ashton) wants to leave on the record his allegation against myself and also Mr. Gilleshammer that somehow the two of us would engage in some kind of collusion which would result in a compromise

on the impartiality of the Chair. I would like to get that cleared up, whether the Member wants to take that back or what he wants to do with it.

**Mr. Ashton:** First of all, that is not a point of order. Mr. Chairperson, the point of this morning's meeting was in terms of asking questions of the Member for Minnedosa (Mr. Gilleshammer) and the Minister of Finance (Mr. Manness). If the Government House Leader (Mr. McCrae) wishes to ask me questions, that is fine.

I accept the statements of the Member for Minnedosa in terms of what happened. I think that was dealt with by that Member both in terms of the Government House Leader's role both in terms of the quorum and the fact that there was never any suggestion, as the Government House Leader had made, that it was an improper quorum. The Member had checked on quorum and was satisfied at that time. I appreciate the Member for Minnedosa's comments. That is what we are here to deal with.

I really do not believe the Minister's point of order, which is not a legitimate point of order to begin with, really contributes in terms of that. I accept the statements by the Member for Minnedosa.-(interjection)-

**Mr. Chairman:** Order, please. Order. Mr. Cowan.

**Mr. Cowan:** Mr. Chairperson, I just want to make a few brief comments and move an amendment to the motion of the Government House Leader (Mr. McCrae), and that is why we did not grant leave earlier for the motion to be withdrawn. We felt that the appropriate way to proceed was to amend it rather than withdraw it and get into other motions before we had a chance to deal with the issues that are contemplated in the motion by the Government House Leader. I will explain that in a minute.

But before going into it, I want to explain why we think it is necessary to have this matter go to the Rules Committee and then come back here. Mr. Chairperson, this House operates best, in my opinion—and its an opinion that is based on my experience of watching House Leaders, reading about House Leaders, trying to study the role of House Leaders when I was a House Leader both in Government and Opposition. I think it is an opinion that is shared by many. I know it is shared by every speaker whom I have served under in this House, and it is also found in the literature to be a very key component of the role of a House Leader.

I do not want this to be taken as a lecture but merely as a suggestion of how things might be accomplished better in the future, and that is negotiations. This House operates best by negotiations. As a matter of fact, we would not be here this afternoon if on the evening in question the Minister of Finance (Mr. Manness) had not said he was prepared to sit all night and then walked out, but rather had come to Members of the Opposition and said, I have some very important work to do in the morning. You are interfering, not purposely, but the role of the committee is interfering with that work and how to find a way out of this situation.

I would suggest to you that the solution that would have been found that night if in fact everyone was

negotiating in a co-operative fashion was that the committee would have shut down and there would have been a date chosen for the next meeting. What we wanted to know is that we were not going to have the committee shut down and never be able to get back to it again, which has happened, or not get back to it for a long time.

The negotiations would have worked. They were very obvious, but the fact is this Government does not attempt to negotiate its way through the House. I do not know why. It confuses me that they do not want to negotiate. I do not know whether it is incompetence or unwillingness or a matter of both, but the fact is that negotiations could have resolved this issue. What surprises me is that the Minister of Finance (Mr. Manness) is, I think, one of the better negotiators in the House with respect to making the House function when he is operating as Acting House Leader.

\* (1200)

I have had negotiations with him when he is acting as Acting House Leader and I was the Opposition House Leader. I found him to be a good negotiator, because (1) he was willing to look at creative solutions to problems; and (2) his word was his bond. What he said was what we could expect to happen. I found that to be the case with the previous Opposition House Leader when I was the Government House Leader. I quite frankly hope they found that to be the case with me, (1) that the negotiator looks for creative solutions, a win-win approach; and (2) that the negotiators' words are their bond.

That situation does not exist to the extent that I would like to see it exist at the present time with respect to the Government, but that is another matter for another time. I believe that we could have got out of this predicament as well if the Government House Leader had advised his Members to apologize, there never would have been a charge of contempt, and to negotiate a way to resolve the issue. We are going to offer an opportunity for those negotiations to take place in a moment.

I believe it is very important that not only we deal with the matter of contempt or the way in which I think some people acted in a contemptuous fashion with respect to the workings of the House. I think it is also important that we ensure that this situation does not occur again. I say that more firmly than I did last time, last meeting, after having heard what the Minister of Finance said earlier. I quote what he said, he felt that he was in a "totally untenuous situation that evening." He felt that he was being kept a hostage. He felt, "at the time I sensed that I was hopelessly and helplessly trapped" and he felt the only way out of that was, he knew he was denying Members of the Legislature certain of their rights. The only way out of that was to deny Members of the Legislature certain of their rights.

What the rules are, is a mechanism for ensuring along with the practices and the traditions and the precedents that all Members of the Legislature are not denied their rights. What we need to do now is to help the Minister of Finance and the Chairperson of the committee out

of the predicament that they are in, and help all of us out of the predicament that we were in when we could not get the committee to meet, because no one was prepared to negotiate its meeting and no one was prepared to sit down and find a way out of the impasse by changing the rules.

I go back to something that Mr. Gilleshammer said. He said that he finds that committees work in different ways, and indeed they do work in different ways within the framework of the rules. Just changing the rules themselves will not satisfy the entire problem because he also said that some of the rules that he thought could not be bent or broken or changed in any way, can be by leave of the committee and in fact they can. What you do want to have in place is a set of rules that need to be bent the least, and broken the least, and changed the least, to meet particular circumstances so that everybody knows the ground rules under which the committees operate.

Now we are in a different situation than we have been for a large number of years. Mr. Gilleshammer again I think identified what that situation is and I quote, "He can well appreciate it is a difficult situation in minority Government to apply the rules and have them challenged." It is indeed a difficult situation in a minority Government to apply the rules because they are often challenged and they are often challenged because they do not really reflect a minority situation. They do not reflect a minority situation because we have not been in one and been able to learn from that for quite some time, and it is time that they were changed to reflect a minority situation.

One of the first things I asked the existing Government House Leader to do when I was Opposition House Leader was to call the Rules Committee to sit down and determine how it is we could change the rules so that they could better represent the new situation. He refused to do that. He refused to that on a number of occasions. I know he refused to do that upon request of the other Opposition House Leader and of the present Opposition House Leader. I think we now have an opportunity based on his motion to make certain that we do have a chance to negotiate some changes to the rules.

Mr. Chairman, I would move, seconded by the Member for Thompson (Mr. Ashton), that the motion of the Honourable Mr. McCrae be amended by removing the words "the subject matter of this committee's deliberations" and I must make note that I will put those words back in in that form elsewhere in the amendment, and inserting in their place "this committee's report—

**Mr. Chairman:** Could you give copies to everyone, please?

**Mr. Cowan:** Maybe I will just wait so people can read along with it.

I will start over then, Mr. Chairperson.

THAT the motion of the Honourable Mr. McCrae be amended by removing the words "the subject matter of this committee's deliberations" and

inserting in their place "this committee report to the House its recommendation that all matters relating to the subject matter of this committee's deliberations and the appropriate functions of the Standing Committees of the Manitoba Legislature" and,

THAT the following words be inserted after the words "rules of the House": "and it is further recommended that the Rules Committee meet within one week and the Standing Committee on Privileges and Elections recommend that the Standing Committee on Privileges and Elections itself meet again to further consider this matter of contempt after the Rules Committee has met but not later than one month from this date.

**Mr. Chairman:** A debate on the motion? -(interjection)-  
Certainly, Mr. Angus.

**Mr. Angus:** Just a clarification to the Member for Churchill, is it your intention to have the Rules Committee open so than any and all rules can be addressed, or is it your intention to have the committee deal only with the rules that apply to the contempt charge?

**Mr. Cowan:** I think it is necessary to look at all the rules of the House, but one step at a time. I think what is important is that we never find ourselves in the situation again where a walkout on a committee frustrated and denied the rights of certain Members of this Legislature because we could not get that committee operating again. That is why there is reference in this to the appropriate functions of standing committees of the Manitoba Legislature. So it is to deal with how we rectify the matter rather than how we assess blame. We leave open the option of dealing with the matter of contempt for the Committee of Privileges and Elections to meet at a later date but within one month's time.

\* (1210)

**Mr. McCrae:** Mr. Chairman, this is the first that I have seen of this motion, and obviously it will take some time to consider the contents of it. In addition, the resolution calls for the Rules Committee to meet within one week. The Honourable Member for Churchill (Mr. Cowan) has spoken about the value of negotiations and how that is the best way to proceed, but then he proceeds to put in his motion that the Rules Committee meet within one week.

I suggest to you that before we sit as a committee, or the Rules Committee sits, or even this committee sits again, for that matter, there should be time for negotiations. We will end up spending another two and a half hours in the Rules Committee, perhaps, if Members do not get together before that time to work together and try to look at potential rule changes that might help us in this situation.

I can tell you that I have discussed with the House Leader for the New Democratic Party (Mr. Ashton) possible rule changes. He has made some proposals;



I have made proposals, but I do not think we have arrived at any agreement on that. So that what we might end up with is sitting in Rules Committee where we have a majority Opposition. I would like to see rules made or changed in this minority situation as much as possible by consensus. There is also the point to be made that rules are there and rules get broken. Rules get waived. Speakers get burned. If the Members disagree with the Speaker on any particular ruling that is made on a proper reflection on the precedence and the Rules, they still burn the Speaker and carry on with their wishes anyway. So that has to be said with regard to discussion of rules.

We are not opposed to discussing rules, but I think what we would see, potentially, if there is any lack of co-operation, is problems develop with respect to the evolution or further changes to rules. So I would have problems with Rules Committee and with the time lines the Member has put forward. He talks well, Mr. Chairman, about negotiations. We know his background has involved negotiations, and, yes, when he was House Leader, he was a tough negotiator, I can tell you that, and in some ways an effective negotiator. But I think that is the point.

You asked the Rules Committee to meet within one week and then there is another time line here for the Privileges and Elections Committee. I think if Honourable Members want to deal with the mandate that it has been given, let them deal with the mandate that it has been given.

We have heard today from the Minister of Finance (Mr. Manness), we have heard today from the Member for Minnedosa (Mr. Gilleshammer), I am really just wondering what it is Honourable Members want here. Are we going to—I see a reference to returning to the Privileges and Elections Committee, I say to Honourable Members in this room today, make up your minds, what do you want to do with the Minister of Finance and the Member for Minnedosa in view of all of their explanations, in view of all of the answers they have given. Let us not sidestep that issue. We have talked about it for coming on to five hours now. Why can Honourable Members not make up their minds what it is they want to do with these two Honourable Members so that we can get that part of the matter put away?

No one has denied that the rules should be reviewed, they should be reviewed as a matter of course, as time marches on, let alone for the reasons that we have a different situation in the House regarding a minority House. We recognize that a minority House is going to call for different ways of doing things and for the most part we have worked out ways to do things and notwithstanding the rules I might add. The rules are only there when Members want to obey them and when they do not want to obey them they waive them or they burn the Speaker or as we know in the case of the Minister of Finance (Mr. Manness) and the Member for Minnedosa (Mr. Gilleshammer), certain transgressions took place last May for which both Honourable Members have expressed regret, but that is not good enough for Honourable Members.

There has to be something more, we have to return to Privileges and Elections. This is Privileges and

Elections, Mr. Chairman. We are nearly—well, we are now at the point where we have sat for five hours discussing this matter. Why is it that Honourable Members cannot deal with the situation relating to the two Honourable Members involved? Why have they not come up with something? They were the ones who wanted to be here. They are the ones who spent two days in the Legislature discussing why we should be here, and here we are. We have been here for five hours. These two Honourable Members deserve to know their fate. Their fate rests in the hands of the Honourable Members of this committee.

Why is it the Honourable Members in this committee cannot make up their minds what they want to do with these two Honourable Members? Let us get that settled.

**Mr. Ashton:** I just want to deal with one thing. First of all, the motion we are dealing with is an amended version of the motion that was put forward by the Government House Leader (Mr. McCrae).

I am very surprised to hear that he has concerns about going to Rules Committee. Last week and I remember the motion well, the original motion reads: THAT this committee report to the House its recommendation and subject matter of the committee's deliberation be referred to the Standing Committee on the Rules of the House. I do not understand what the objection of the Government House Leader is. It is his motion. The amendment keeps that. What it is trying to do, I think, is get on the track again of solving the problem with the rules in terms of the first priority, making sure it does not happen again.

There is no intent, for the Government House Leader, to leave the Members hanging. We did not even know that the two Members were going to be in this committee this morning. I do not think even the Government House Leader knew about it by the looks of it. It seemed to be something that was pulled together at the last minute.

We have had a chance to have some discussion. I thought it was productive to a certain extent particularly with the Chairperson of the committee. I really appreciated his particular comments, but there is no intent to leave anybody dangling, Mr. Chairperson.

What we are trying to do is deal with the motion that was tabled last time, to move it into the Rules Committee and in the meantime, not close off Privileges and Elections, but get dealing with the rules, to make sure the first priority of this committee is to make sure it does not happen again.

I quite frankly am surprised by the Government House Leader's (Mr. McCrae) change of heart. It was his resolution, I would urge that we take a vote on it, test the will of the committee.

I can assure the Government House Leader of this fact right now. As House Leader for the New Democratic Party Caucus our intention is not to hijack the Rules Committee. It has never been the intention to go in there and use the combined weight of the Opposition; besides the Government House Leader may have noticed that all three Parties tend to disagree even on

procedural matters. We have Bills daily before the Legislature. There is no monolithic Opposition in Government. I do not understand the paranoia.

We had suggested the Rules Committee last week, the Government House Leader (Mr. McCrae) at the end of the committee meeting moved a motion to move it into the Rules Committee. We have an amendment to move it into the Rules Committee and allow us to continue our activities here. Is that not reasonable?

\* (1220)

I just quote back the Government House Leader's words to him and I assure him once again in terms of the Rules Committee our intention of getting into the Rules Committee is to deal with the kind of situation that occurred on that evening. There are a number of dimensions to it, but not to open up our rules book in its entirety because I have said, the Member for Churchill (Mr. Cowan) has said, it is the view of our caucus that Rules should be changed through negotiations and discussions to the fullest extent possible. That was what happened when we were in Government and the Conservatives were in Opposition. I would hope it would be the same thing now—or whoever is in Government—because rules are designed to protect not just minority or majority rights, but both the Government and Opposition rights.

Our assurance to you, and I urge the Government House Leader (Mr. McCrae) to reconsider his position, is if we get into Rules Committee we will be dealing with, as the motion says, and particularly as it is amended by the Member for Churchill, the subject matter of the rules as it relates to the discussions that have come up in this committee.

**Mr. Albert Driedger:** Mr. Chairman, I have always thought that I could sort of pride myself on being reasonable, and I think we need some reasonable attitude in here. I have difficulty with this, realizing full well when I encouraged Mr. McCrae to move that motion the other day, and was in concurrence with him that it should be moved forward because I feel we all agree that the rules have to be changed. What bothers me with the resolution, the way it has been amended, is the fact that the Rules Committee meet within one week. Knowing that we are moving a lot of legislation through the House, not into committees, there is going to be tremendous committee activity going on. I think that the rules—when we talk of changing rules—the one week I find unreasonable because I think there has to be more thought given to it. I think, before the committee even meets, there has to be the House Leaders getting together to discuss which rules you want to change, and that will develop not as fast as one week, the way I see it.

The other thing that bothers me with the amendment here is the fact that the Privileges and Elections Committee should meet again in one month's time—because we are dealing with this issue now. If we refer it to the Rules Committee and we develop the rules—and I think they have to be changed—I think everybody agrees, but the Rules Committee reports to the House and I have a feeling that we are fencing here a little

bit. I think we all want to accomplish the same thing, but we are sort of seeing whether we can get almost the better of one another in terms of political Parties in this thing, and I am much more concerned that we use some realistic time lines in terms of how we do this.

**Some Honourable Members:** What are they? What are you suggesting? Suggest something. Give us a time.

**Mr. Albert Driedger:** Well, I just raise this because time limits have been put on there and we were not involved in the discussion— (interjection)-

Mr. Chairman, I was not quite finished yet.

**Mr. Chairman:** Okay.

**Mr. Albert Driedger:** I think that aside from the rules, there has to be a decision made as to whether we are going to be censuring our colleagues, the two Members who have been questioned, whether we want to deal with that or whether we say we will accept their statements, and we will then deal with the rules so that these things will not happen again. I do not think we should just leave it sit there again and say, well, if we do not make the rules right, that in a month's time this committee meets again and then we are going to go through this process again. I have some concern about that. I wonder if we could come to some agreement in terms of how we are going to proceed further.

We are running out of time in this committee again today. If we do not arrive at some decision then we will be arranging another meeting, and we will go through the whole process again. I think it has a good airing on it. I personally would like to maybe see something to the point that we instruct the House Leaders to get together to establish the Rules Committee and try and see, in the time that we have left, to deal or decide how we are going to deal with those two Members, whether we can accept their position at this stage of the game and then change the rules so that this will not happen again, or whether we want to take and censure them in whatever way. I think that should be done today.

**Mr. Laurie Evans:** Mr. Chairman, I agree in part with the Minister of Highways here, but I am going to be very blunt on this thing. To my way of thinking, the major concern in all of this is changes in the rules that will preclude the type of thing that has happened here happening again, and I guess what we are faced with is the requirement of a commitment before there is a loss of any leverage. My concern is, if we sit down here today and decide whether there has or has not been contempt and a decision is made as to how that is going to be dealt with, then this thing can be swept under the rug and never brought forward again until sometime in the future.

What I want to see done today is a commitment that the Rules Committee will in fact meet and deal with this thing. I think the only way that issue can be forced, unless such a commitment is brought forward, is that the matter of contempt be set aside a little bit longer

because it has been sitting here since May. I think the recognition of the severity has been there since May. My way of thinking is another month is not going to make a lot of difference if that is what is required in order to force the issue that the Rules Committee meet.

I think it is inappropriate, Mr. Chairperson, in a minority situation that the sole discretion as to the meeting of committees is left with the Government House Leader (Mr. McCrae). I think this has been the big problem we have always faced in this minority situation is that the joint minority should have the power to force some things, such as the holding of committees.

Now, that does not mean that is going to result in massive changes or anything of that nature, but you do run the risk of it. I do not think that simply because a Government has the responsibility to govern that they should also have the ultimate control of the meeting of committees to the extent that they never meet.

That is what we have been faced with in some of these committees, that the House Leader, either by deliberate means or through neglect or whatever it has, has decided that some committees have no reason to meet. The inference that one draws there is that there is some fear in the meeting, because they do not like the potential consequences of the meeting and the results that would occur.

I would be quite happy, Mr. Chairman, to leave this in abeyance with some modifications in the time line, but certainly not to make a final decision on the issue of contempt until I am satisfied that there will be a meeting of the Rules Committee and a deliberate attempt to make the changes that are necessary to preclude this happening again.

**Mr. McCrae:** Mr. Chairman, I am prepared to talk about time lines. I ask the Members of this committee, after more than five hours of discussion on the matter of privilege relating to the Honourable Minister of Finance (Mr. Manness) and the Honourable Member for Minnedosa (Mr. Gilleshammer), those Members have been waiting since this matter was raised as a matter of privilege, have been waiting basically since last May, knowing the feelings of Honourable Members in the Opposition. Those two Honourable Members of this place want to know their fate.

This committee owes it to them to settle that matter. That is paramount. That is what has been consuming Honourable Members in the Liberal Party and Honourable Members in the New Democratic Party, the matter of the contempt of these two Honourable Members.

Let us get that cleared up, Mr. Chairman. The Honourable Member for Churchill (Mr. Cowan) brings in a motion here amending the motion that Members have had a week's knowledge of. They can either vote against my motion; they can allow us to withdraw it. They can vote for it. They can do what they like.

The Honourable Member for Churchill has brought in some new things here. He wants just to talk about all of the functions of all of the committees in the Manitoba Legislature. He wants us to do all of this within one week.

I say to Honourable Members, you know, we have a lot of Bills on the Order Paper. We have a lot of business to do for the people of Manitoba. Honourable Members in both of the Opposition Parties want to take up a lot of time on matters that are of concern to them, never mind their constituents, but to them. I am saying there are concerns out there with regard to the legislative program of the Government. This Session should have been over at the latest by mid-December. We are now into past mid-February, Mr. Chairman.

I say, are Honourable Members going to take all of their time worrying about their own personal arrangements, or are we going to worry about what is on the agenda for the people of Manitoba?

I tell you, the Honourable Minister of Finance (Mr. Manness) referred to his feeling like he was a hostage that night. Sometimes I think we are the victims, as a Government Party, of some legislative terrorism around here.

I suggest, with the motions brought in like this, 10 minutes before the end of a committee—well, it is just about 12:30 p.m. now, and the committee is supposed to rise at 12:30 p.m. We bring in this motion by the Member for Churchill (Mr. Cowan), with that kind of notice, changing time lines, changing mandates and suggesting also that the matter come back to the Privileges and Elections Committee, I say let the Members of this committee decide what they want to do with these two Honourable Members. They have been waiting long enough.

\* (1230)

The Honourable Members opposite are quick to criticize when in the justice system people who are accused have to wait for lengthy periods of time for their trials. Well, these two gentlemen are on trial. They are the accused in this case, and I am telling you justice delayed in this particular case is justice denied. These Members need to know and this House—

**An Honourable Member:** You did not call this meeting, this committee, for a month.

**Mr. McCrae:** The Honourable Member for Seven Oaks (Mr. Minenko) suggests that I did not call this committee for a month. That decision was made in full consultation with his House Leader (Mr. Alcock) and with no objections from his House Leader. His House Leader wrote to me asking that the committee be set before February 15, and that happened. What is the Honourable Member getting at with his interjections from his seat?

**Mr. Chairman:** Order, please; order, please. The hour being 12:30, what is the will of the committee?

**An Honourable Member:** Continue.

**Mr. Chairman:** Continue. Mr. Evans.

**Mr. Laurie Evans:** Well, Mr. Chairman, I am a little perturbed with the comments from the Minister of Justice (Mr. McCrae) here indicating that there is

urgency to deal with these two Members, but I would ask the Honourable Minister of Justice why then, when he had the sole discretion to recall the committee where this issue came up on the 1st of May, why was the committee not reconvened prior to October 4 if there was the urgency in this that he says there was, because this was an issue that was obviously clearly before that committee. The committee did not meet again until October 4, at which time the Member for Wolseley (Mr. Taylor) was able to bring it before the committee.

I think that if he is arguing that the Members on this side are delaying it, he has to take some responsibility for the delay between May 1 and October 4 when there was—

**An Honourable Member:** Let us get straight which delay we are talking about. He is talking about setting of the Privileges and Elections—

**Mr. Laurie Evans:** I am talking about the original committee.

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**An Honourable Member:** On a point of order, Mr. Chairperson.

**Mr. Chairman:** Order, please. The Member for Thompson (Mr. Ashton), on a point of order.

**Mr. Ashton:** First of all, I think the discussions back and forth at the table are out of order. Second of all, I believe there may be some chance of resolving this. I know the Members have been in discussion between the caucuses. Instead of yelling at each other across the table, I suggest that we try and come up with a few changes to this amendment which could be acceptable to all sides.

I believe the Member for Churchill (Mr. Cowan) has a number of suggestions and that, based on conversations with Government Members, may be able to get us out of this impasse.

**Mr. Cowan:** On the point of order. To show that negotiations can work, after a quick discussion with the Minister of Highways (Mr. Albert Driedger), he suggests that the Government would like to see that one week changed to three weeks. We have discussed it with representatives of the Liberal Caucus and we are agreed that three weeks would be an appropriate time frame. We would like to see it within one week, but if it takes three weeks we are prepared to wait that long.

**Mr. Chairman:** Is there leave of the committee to change from one week to three weeks?

**Mr. McCrae:** In line with what I have been saying about the Minister of Finance (Mr. Manness) and the Member for Minnedosa (Mr. Gilleshammer), the Members have not come prepared today to deal with the sanctions they want to impose, or whether they want to find there was a contempt, or whatever it is. I am anxious that

that matter be dealt with. I am sorry that it has not been dealt with after five hours of debate here in this committee.

I would like to be able to set the Privileges and Elections Committee much sooner than some time following the Rules Committee. I want Honourable Members to make up their minds what the priorities are in this Legislature, if it is to persecute Members or to get on with the business of the people. I would be telling you that I do not have any problem with not later than a month from this date because it will be happening much sooner than that, I can tell you.

**Mr. Angus:** Mr. Chairman, through you to the Attorney General (Mr. McCrae). Can the Attorney General tell me what is the penalty for a self-confessed breach of conduct on an individual, under whatever circumstances, putting himself above the Legislature?

**Mr. McCrae:** Well, the Honourable Member for Thompson (Mr. Ashton) dealt with that at the beginning of the committee's hearings last day. They range from jail, to lopping off people's ears, to simple censures, to being thrown out of the House, to reprimands, to whatever this committee wants to recommend. Judging by the mood of Honourable Members, we can only expect the worst because this is a very, very serious matter, as they have reminded us every time they have opened their mouths.

**Hon. Gerrie Hammond (Minister of Labour):** I am sorry. I just want a clarification that maybe the Member for Churchill (Mr. Cowan) can say—when I read this amendment, and I realize we are going to meet with the Rules Committee within three weeks, then come back to Privileges and Elections, I am getting the impression that if there are not Rule changes, possibly then this will impact on what the Privileges and Elections decision is.

I really think it would be fairer; we have promised and said that we would deal with rules. We would call the Rules Committee, but I think it is only fair that this committee deals with the Members. Now that they have had the assurance that the Rules Committee would be called, I do not want it to seem that it is dependent on what we do in the Rules Committee about what happens to these Members.

I think it is separate and apart. I would like the committee, I think in fairness to our two Members, that they deal with this matter before we get into rules.

**Mr. Laurie Evans:** I agree in principle with the comments that the Member for Kirkfield Park (Mrs. Hammond) has indicated. Certainly it would not be my intention that the deliberations regarding the contempt issue are dependent on the changes that are made at the Rules Committee. My concern is that the Rules Committee actually meets and starts to deliberate on this particular issue and perhaps others. In terms of the time frame, I would be satisfied if the Minister of Justice (Mr. McCrae) would accept the rationale that this committee meet again to decide on the contempt issue immediately after the first meeting of the Rules Committee.

**An Honourable Member:** Why after?

**Mr. Laurie Evans:** I want to see that the Rules Committee is actually meeting and functioning before I will be satisfied that we have

**An Honourable Member:** I see, that is the spin . . .

**Mr. Laurie Evans:** The spin, it is no spin, and I do not want to infer that the Rules Committee has to come down with some ruling. All I want is an assurance that the Rules Committee will in fact meet and look at this issue. They probably would not have decided anything about this issue at the first meeting, it is quite feasible.

I guess to put it bluntly, I would like to retain the leverage to insist that meeting at least take place, and that this one can follow it immediately. It could be 10 minutes after as far as I am concerned, but there has to be some indication that the Rules Committee is in fact going to meet.

**Mrs. Hammond:** I understand what the Member for Fort Garry has said, but I really do feel that we have said we will call the Rules Committee, that the Government will call the Rules Committee, and that we should be dealing with this issue before.

I think it even defeats what the Member has said. We can call the Rules Committee and never ever call it again, if that was the case. We have no intention - (interjection)- no, but I am saying we have no intention of doing that. We are going into this in good faith. I think we have to - (interjection)- no, I am saying that this is what could happen, saying it like that will not cure it, a 10-minute meeting. What we are saying is the Government is making a commitment to call the Rules Committee, and we will continue to deal with it. I think we should start taking one another at our word and deal with Privileges and Elections before we—I do not want to feel that we are held up by this, do you understand what I am saying?

**Mr. Ashton:** I think this illustrates what the Member for Churchill (Mr. Cowan) pointed out earlier, that these matters should be discussed and negotiated. I feel we are in a bit of a difficult situation, if we have different versions of where the cart should go and where the horse should go and which is which.

\* (1240)

I can indicate that we do want to—we would like to see the Rules Committee called very, very quickly. I think the Rules Committee actually is easier to be called than Privileges and Elections. Quite frankly, I think there are some very easy and reasonable solutions to what happened that night. Very simple solutions, that I believe will protect the rights of Governments in a minority situation and Oppositions in a minority situation. I have had some preliminary discussions with the Government House Leader (Mr. McCrae), not recently; the last few weeks there have not been any discussions. I think there are some very reasonable suggestions.

I would suggest, as a matter of fact, and this is one of the reasons why the Member for Churchill (Mr. Cowan)

had suggested one week on the Rules Committee, I would suggest that if we were to sit down now and discuss and negotiate, we could probably do all the business of the Rules Committee related to this matter in one meeting. I think that is much more easily dealt with than the question of privileges and elections.

To the Government House Leader: Let him not forget a number of factors. Last week we dealt with this matter for the first time. We had an extensive preliminary discussion. Once again, there was not a negotiated resolution to this matter, so we had to define where we proceeded. At the last minute in that committee meeting, the Government House Leader (Mr. McCrae) had indicated he was willing to call the Rules Committee. Today we came back in under the assumption that motion would be before the committee, which it was. The Government House Leader then took that away, wanted to take it off the table. We said no, we want it kept on the table. We want to amend it to deal with some of our concerns—build a consensus on that.

As I said, there has been no attempt on our part to hold this committee up, to hold people at ransom, to leave them in abeyance. We did not even know until 10:30 this morning that the two Members involved were going to be before this committee. They were not here at ten o'clock. There was no indication at the last meeting by the Government House Leader that he would request that they attend or ask that they attend. The first time we have had the Members before this committee in terms of the contempt was 10:30 this morning. We discussed this matter from 10:30 until about twelve o'clock before the Member for Churchill (Mr. Cowan) quite rightly wanted to get back to dealing with the motion that was still on the floor and the amendment.

So I look at it in this sense. The Rules Committee can be dealt with rather quickly. The privileges and elections, I do not want to see it drag on. It may take a bit longer in terms of that. That is why I believe this is a reasonable motion, and I would urge in the spirit of negotiations once again, if perhaps we can get back to a shorter time frame again. I think I can give our commitment as a caucus that we will have our Members available for a committee meeting whenever it is—one week, one day if it is necessary. These matters are important—this afternoon if necessary. That is not a problem.

I just urge that perhaps the next time we do not run into this, that we get these matters negotiated before the committee, but if we are going to negotiate now, let us see if we can work around it and get both committees called within a very short period of time so neither of the issues drag on.

**Mr. Albert Driedger:** Mr. Chairman, maybe to try and expedite things, if we could amend the motion that is before us, instead of where they recommended that the Rules Committee meet within one week, make that three weeks, and then call the question.

**Mr. Minenko:** Mr. Chairman, I can certainly indicate my support of the amendment with respect to the previous motion as introduced. I do not think the subject

**Tuesday, February 20, 1990**

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matter that this committee was considering could actually be considered by the Rules of the House Committee. So for that reason I can certainly support this amendment as proposed as well.

**Mr. McCrae:** Agreed.

**Mr. Chairman:** Agreed. Okay.

**Mr. Cowan:** Yes, I understand there is a typographical error which was my fault in having the amendment rewritten and if carried, the same line would be repeated twice. Can I ask the committee that the words "the committee report to the House its recommendations

that" be struck from my amendment and they show up in Mr. McCrae's original amendment? It is an editorial error for which I apologize for the inconvenience.

**Mr. Chairman:** Is the committee ready for the question? Is there leave to change the amendment? Leave. Is the committee ready for the question? On the amendment of the Honourable Member for Churchill (Mr. Cowan) to Mr. McCrae's motion, all those in favour say aye. Agreed and so ordered.

Committee rise.

**COMMITTEE ROSE AT:** 12:45 p.m.