

Third Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Rules of the House

Chairperson
Hon. Mr. George Hickes
Constituency of Point Douglas

Vol. LVI No. 1 - 6:30 p.m., Tuesday, December 7, 2004

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
CUMMINGS, Glen	Ste. Rose	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
IRVIN-ROSS, Kerri	Fort Garry	N.D.P.
JENNISSON, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
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SMITH, Scott, Hon.	Brandon West	N.D.P.
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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON RULES OF THE HOUSE

Tuesday, December 7, 2004

TIME – 6:30 p.m.

LOCATION – Winnipeg, Manitoba

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

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

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

Hon. Messrs. Hickes, Mackintosh

Messrs. Cummings, Derkach, Dewar, Ms.
Korzeniowski, Messrs. Lamoureux, Maloway,
Martindale, Rocan, Santos

MATTERS UNDER CONSIDERATION:

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

Mr. Chairperson: I call the meeting to order. Good evening. Will the Standing Committee on Rules of the House come to order.

The first order of business before the committee is the election of a Vice-Chairperson. Are there any nominations?

Mr. Gregory Dewar (Selkirk): Mr. Chairperson, I nominate Mr. Santos.

Mr. Chairperson: Mr. Santos has been nominated. Any other nominations? *[interjection]* Okay, are there any further nominations?

Mr. Leonard Derkach (Official Opposition House Leader): I nominate Mr. Rocan.

Mr. Chairperson: Okay, Mr. Rocan has been nominated. Any other nominations? All right. Seeing none, I guess we have two candidates. So we will have to—well, I guess we could have a secret ballot. Do we not?

We have two candidates, so now we will have a—
[interjection]

* (18:40)

Voice Vote

Mr. Chairperson: All those in favour, say yea.

Some Honourable Members: Yea.

Mr. Chairperson: All those opposed, say nay.

An Honourable Member: Opposed to who?

Mr. Chairperson: Mr. Santos. Is that not how we are doing it? Yes, Mr. Santos.

An Honourable Member: I have got to see a name—

Mr. Chairperson: Okay, so now we have Mr. Rocan. *[interjection]* No?

Formal Vote

Mr. Chairperson: Okay, all those in favour of Mr. Santos, put your hand up.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 5, Nays 0.

Mr. Chairperson: Now, for Mr. Rocan.

All those in favour of Mr. Rocan, say yea.

All those opposed, say nay.

An Honourable Member: Nay.

Formal Vote

Mr. Chairperson: All those in support, raise your hand.

A COUNT-OUT VOTE was taken, the result being as follows: Yeas 3, Nays 6.

Mr. Chairperson: So Conrad Santos is appointed Vice-Chairperson.

* * *

Mr. Chairperson: We also have copies of the current rule book on the table behind me, if anyone wishes to use one for reference.

How does the committee wish to proceed this evening?

Hon. Gord Mackintosh (Government House Leader): We have just had some preliminary discussions across parties, but there is a lot of work that we have to do. There are some pent-up issues in terms of the rules, generally, and there are some issues specifically around the Public Accounts Committee. Maybe we can sit here late tonight and work on this stuff, I suppose, but I think the other option is, in particular, because I think we should be careful with some of these changes, what I was going to suggest is that we form two working groups. I mean, I think we should try and get these rules done and back into the House when we come back in March, so we can put some time line on that. If we can all agree to roll up our sleeves and get to work on this stuff, so that we work through the rest of the session with new rules.

The two working groups would be one on rules generally, and we can agree on what matters should be referred tonight; and the second working group and that would be comprised, I think, of a small group, perhaps the two House leaders, Mr. Lamoureux and the Speaker, perhaps, something like that. We have done that before, that kind of discussion. Then, on the Public Accounts, I think that some different people should get the table. I think the Chair and Deputy Chair should be at the table of the Public Accounts Committee, and then the other group, you know, the group that was on the other working group, would come back here, and then we would have a dialogue on the record. I was suggesting that the working groups not be on the

record because I think that it is a better, more productive contribution, and people will have a more free-ranging discussion without feeling that everything they say becomes entrenched as a position.

I was going to suggest that as a process, because if we can come out of here tonight with a process and agendas for those two working groups, I think, we have done a lot. Then we can get back here in a few weeks, early in the new year, so that we can get something in the House in time for early March.

I was just going to add, too, that I know, for example, with the Public Accounts Committee, there have been some positions put out there publicly, but we always know that, when it comes to rule changes, we always make a real effort to have a consensus. I do not think it is necessary in all instances, but it has been the convention of the committee to try and work towards a consensus. I do not think we should abandon that convention. It is based on a good solid foundation, and that is that who is government today can be opposition tomorrow and vice versa. In other words, the rules are for every member, and we have to be careful. We only move ahead when we can find consensus, by and large, but not always. So I thought that might be a good way to go, and see if we can find a meeting ground on Public Accounts, on these other issues.

I think, on the other issues, there are some difficult issues there and there are some that are not difficult. I do not think we work by way of motions either here, but maybe we do from time to time. I was going to suggest that, maybe, if we can work towards that, then tonight might be a good use of our time. I understand that there might be some general thought that that might be the way to go with the other parties, but they can speak for themselves tonight.

Mr. Derkach: I think the suggestion probably warrants some consideration in that I think more can be done if we have a working group do the footwork and report back to this committee. In terms of the membership of the committee, on the first committee, Mr. Mackintosh suggested that was the one on the general rules that we need to change regarding the Assembly, and there I think, besides the two House leaders and the Speaker, I would like to see, with the permission of the committee, the former Speaker of the House, Denis Rocan, because

of his experience, there as well. I think we could probably benefit by that. If I have to step aside to allow for that, that is fine, but I think his experience is invaluable in that regard. I do not know whether that is acceptable to you.

Mr. Chairperson: I have Mr. Lamoureux and then Mr. Mackintosh.

Mr. Kevin Lamoureux (Inkster): Briefly, on both committees, I have a high level of interest. This is the only committee, in fact, that I believe I am actually physically on where I can vote—

An Honourable Member: We tried to get you on another one.

Mr. Lamoureux: I know and I appreciate that. The Rules Committee, a subcommittee, is something which I believe would be appropriate for myself with the Government House Leader, whether it is Mr. Rocan or Mr. Derkach. You know I have faith in either one of those individuals.

In terms of the Public Accounts Committee, I realize the position of wanting to get the chairperson and so forth. The only thing I would really push for is that it would be wonderful to be an actual appointment on that particular subcommittee, but at the very least, if that is not doable, that prior to the Public Accounts subcommittee, if you like, reporting back to this committee, that group should at least provide information to me as a committee member so that I can provide some sort of feedback, again with the idea of contributing in a positive way. Whether or not we are officially on the Public Accounts subcommittee is really a secondary issue as long as we are provided the opportunity to have real input into that committee.

Mr. Mackintosh: Yes, everything sounds fine. I know Mr. Derkach was suggesting that there be two representatives from your caucus, or just one, because, if there is, we would obviously want to maintain a majority thing. So it would be a group of four on the one and a group of five on the other on the understanding that Mr. Lamoureux would be consulted before the report comes back to the Rules Committee.

An Honourable Member: In regard to the Public Accounts.

Mr. Mackintosh: Is that what you are asking?

An Honourable Member: Yes, with the idea that would be—

Mr. Chairperson: Could we wait until you are recognized to make sure that we get everything on record. Okay.

Mr. Lamoureux: Just to clarify, the Rules Committee, yes, I would be on that committee representing myself and Mr. Gerrard, the Public Accounts Committee, assurances from this committee that we will have the opportunity to provide input, and before it comes back to the committee that information would be shared with us.

Mr. Mackintosh: So, if the opposition can decide on who sits on what committee, I mean, is it Mr. Derkach on Public Accounts and Mr. Rocan on Assembly Rules? Is that what you are thinking?

* (18:50)

Mr. Denis Rocan (Carman): I think to try and facilitate, and I hear the dilemma that our Government House Leader seems to be boxing himself in, Sir, if we, the group here assembled this evening, put together these two working groups that you are talking about, which we are all in agreement, I think the terminology would be that everything is done by consensus. You seem to be of the opinion right now we want to keep majority on those two particular committees, those two working groups for the benefit of the Assembly, whether they be two government, two opposition members, whatever, but there are no votes taken, everything by consensus, because we would be on a fact-finding mission.

I appreciate having the opportunity to sit on this committee, and I am thankful to my colleague for bringing my name forward, not that I was looking for it, but, as Mr. Chairperson here will attest, there are several times in a day when he and I will be looking at particular issues. We see them, and I use the terminology, from a different light because, knowing Jay Cowan and knowing the way he traditionally used the terminology, "What goes around, comes around," let me tell you there were never truer words that were ever said.

But, when you look at it in a non-partisan way, the rules in how we guide and try and direct legislation that is being formed, I mean, it is an ugly process. But, to help you, you just have to make sure

that there would be no votes, everything done by consensus. We will be on a fact-finding mission. Basically, what we are doing—so whether we are tied two and two, I see, would cause us no dilemma whatsoever because we would have to report back to this committee hence, and again, as we traditionally have done, always work here by consensus.

Mr. Mackintosh: I think that is a good point, so I do not feel strongly. It is just on the Assembly working group would be two and two, one and one. So there would be two from the government caucus, two from the opposition caucus, Liberal and Speaker. It does not mean we all have to be there.

An Honourable Member: Do you have a name for your second one?

Mr. Mackintosh: Well, it is probably the Whip.

An Honourable Member: Well, we do not need that right now.

Mr. Mackintosh: It is likely the Whip, but we will talk about that.

Then, on the other group, there will be the Chair, Deputy Chair and the two House leaders and the Speaker. Do you want to be on that Public Accounts group?

An Honourable Member: I do not think so.

Mr. Mackintosh: So that is easy. There are four on the other one, on the understanding that the draft comes back for discussion to Mr. Lamoureux before it comes to Rules Committee.

An Honourable Member: Will we have the direct input prior?

Mr. Mackintosh: Yes.

An Honourable Member: I put on the record that there will be no votes, everything by consensus. There are no votes.

Mr. Mackintosh: I am prepared to put on the record that I think we should continue to work towards a consensus model here. I do not think we should rule out anything else, but I think that that has to be a virtue of this committee, in the process. We will make all the best efforts to arrive at a consensus.

Mr. Chairperson: If I could just paraphrase what I believe that you just agreed to, it is that the general

group will be two government, two opposition and one Liberal and the Speaker, and that is for House Rules. The one dealing with Public Accounts would be Chair of Public Accounts, Deputy Chair of Public Accounts, Opposition House Leader and the Government House Leader, with the understanding that the Liberal is to be consulted prior to the meeting and that these groups will operate on a consensus basis. Did I hear right?

Mr. Derkach: Mr. Chairperson, I just want to suggest that the Clerk's office be, I guess, engaged to ensure that whatever proposals we are bringing forward can be, in fact, implemented, so that for every recommendation we are coming forward with, there is a process developed where it can actually be implemented. I think that, if you look at our rule book currently, there are some issues there that we leave it somewhat questionable as to whether or not, I guess, leave it up to interpretation as to the process that could be followed. I guess I raise the issue of concurrence and calling ministers forward. Right now, if you look at the rule book, I think it leaves itself open to a considerable amount of interpretation how ministers are called forward for concurrence, in terms of the times they are called and that sort of thing.

So I think we could probably reduce some of the heartache for not only the Clerk's office, but also for ourselves, when we try to implement whatever it is we adopt. It is just a suggestion, Sir.

Mr. Mackintosh: I wonder if it is the will of the committee to make a list, then, of the issues that should be referred to each committee, not to decide on them but to list the areas of concern. I am prepared to put forward what I understand have so far developed as a list, and there may be more that others will add on. So I will just go through.

Mr. Lamoureux: Mr. Chairperson, the only cautionary note that I would put on that is that, if we are providing lists right now, I do not want it in any way to limit what the working group might talk about. These are just ideas. There are, I am sure, ideas that might come out of just having informal discussions amongst other committee members. I just do not want to see it limited. In other words, here is the list, and that then becomes the agenda of the committee.

Mr. Rocan: Mr. Chairperson, I believe I heard from the Government House Leader (Mr. Mackintosh) that we were not going to be bound by the issues that he

is bringing forward. He is just helping us out by bringing forward particular issues that they have discussed, and something that we can have a basis that we can start building upon as we will have some that will come forward later, Kevin, I believe.

Mr. Mackintosh: So, if the wording, then, of the mandate of the committees could note that the following matters will be included in the agenda. I think that is the wording that would work.

First of all, speaking times, because there has been some interest in moving to 30- and 10-minute speaking time dichotomy, as to simplify things but we can tune that further.

Number two is the number of signatures on petitions, and there may be other related issues about petitions. It was a concern that three names is silly, and there has to be more. I think that the question is what should be the number.

Number three is the issue of the rotation of some kind of private members' bills. I think that has been recognized as a serious shortcoming right now, where a bill always comes in the same order that it was the week before.

Number four, as Mr. Derkach said, tightening the concurrence rules around calling of ministers.

Number five, the time for submission of MUIPs on Thursdays. There was a request from the opposition because you would have it first thing in the morning because of the Thursday sittings, and after Throne Speech, and budget.

Next number is quorum. Good luck. That is on will the doors be opened or locked.

Next issue is a better measure of House work.

The next one I wanted to add was more flexibility for getting private members' resolutions in for the prioritized ones. Right now we have to get leave to put them over until March. We should not have to get leave. It is just common sense that we do that for where the main bulk of the sittings are on the calendar.

* (19:00)

There were some issues around report stage procedure. There was an issue around standing committee member substitutions. I do not know if

that is still alive. Introductory and critic statements in Supply, that might be in and around speaking times, though.

I think that was my list, which has sort of been growing with the other members from the other parties over the last little while, and which, I think, should definitely be referred to the committee. I will just conclude then on the Public Accounts working group. I thank the Clerk's office for their survey of other jurisdictions. We have looked at that. I think this working group should look at it again, maybe might want to make some phone calls, maybe not.

But there seem to be a few obvious issues. The first one is a number of meetings and scheduling of meetings, Public Accounts Committee, attendance of Finance Minister, setting of the agenda and witnesses. Witnesses are a more complicated topic, as we know, in terms of how that would work. That is, I think, if it was not for that issue, I guess things would be a lot easier on that working group, but that, I think, is the main challenge. I think those are the main issues as I have seen them but other members may have others and I may have misstated some.

Mr. Chairperson: Okay, any other members?

Mr. Derkach: Well, Mr. Chair, I think there are items that will probably be added as the discussions continue, but we also, I think, spoke about the whole issue of Estimates time that I would like to put on the agenda in terms of whether or not 100 hours of Estimates time is sufficient, how that correlates to the concurrence issue. I have no opinion on that except to say that I think we should revisit that issue.

What I think we are experiencing right now from our perspective is that the debate on whether it is Throne Speech or the budget speech, I think we are finding that not everybody gets up to speak on both sides of the House, because we are limited to eight days of debate. If you have things like grievances, and MUIPs, and that sort of thing, it takes away from that. So I do not know how you deal with that, whether you add another day at the end for debate on Throne Speech and budget, or whether you would exclude the time for such things as grievances or MUIPs, I guess it is, and points of order.

Mr. Chairperson: Just to correct the record, it is not grievances. Privilege, that is what you were referring to, I think.

Mr. Derkach: So those are, that is why I would like to put that on the table to consider the length of time of debate for Throne Speech and budget.

The other issue comes, I think, as a result of an example we saw in this session, and that is the first day of the Throne Speech. You know, we have always viewed the first day of the Throne Speech as the first day, so if there is an issue which is raised as a matter of privilege, it disrupts the Throne Speech debate or the introduction of the Throne Speech. It makes it very awkward for our guests who are on the floor of the Chamber to listen to that kind of, perhaps, acrimonious debate sometime, if it is allowed to continue. So I would suggest that we look at matters of privilege and that sort of thing not being dealt with on the day that the Throne Speech is read, but rather the first day of debate, in other words, would be considered as the next day. So that is another item that I thought might be put on the agenda for the committee to look at.

Mr. Chairperson: So, just for clarification, when you are making a reference, or not allowing privilege because you are looking at the first day of the session, starting the next day. Would that also include points of order, if someone rules on a point of order? I just want to get that clarified for the members.

Mr. Derkach: Well, I think a point of order is a different matter, because sometimes you might want to rise on a point of order, and it could be the government that wants to rise on a point of order, because something has either been missed or something has been forgotten in the order of proceedings. I think we should leave that open, but that, again, is something the committee could consider. I have no opinion on that. It can be considered by the committee.

Mr. Chairperson: Mr. Lamoureux, you had your hand up?

Mr. Lamoureux: I think in certain areas, compared to other jurisdictions, our rules are good, and in other areas they are not when in comparison. Having prefaced my comments with that, I appreciate the points that have already been raised. I think there is merit for other issues, such as Question Period and the length of Question Period, as an example. I think there is argument to be made that it could be something like 60 minutes as opposed to 40 minutes.

The sessional calendar is an issue, I think, that needs to be further discussed.

Mr. Derkach made reference to the concurrence and the number of hours. We had a good example of the reduction from 240 to 100, and I agree that there is a need to address that issue, possibly to reaffirm some other issues such as the concurrence motion itself. Members' Statements, generally speaking, has gone well, compared to the other system. I can see ways in which there could be some improvement. Ministerial Statements also cause some concern.

Those are some of the other issues that I would like to see discussed, and, as I say, even though we stated all these issues, I think that we should keep it very open-minded. Thank you.

Mr. Chairperson: Anyone else? Okay, so what we just heard, is there agreement on that then?

Mr. Derkach: I think it would be a good thing if the informal group that is meeting on the Public Accounts issues would be given the—I do not know if we have to give them the authority or give them the go-ahead—flexibility, to bring forward, whether it is individuals from other jurisdictions to advise them further on what is happening in other jurisdictions or, for that matter, the Auditor General.

The Auditor General made some recommendations as they relate to Public Accounts, and the committee may want to consult with the Auditor General in terms of furthering his views on the recommendations that were made. I think this informal group on the PAC should have that flexibility to be able to consult with whomever they chose to ensure that all areas are covered.

Mr. Chairperson: Just to paraphrase back, what I am hearing is that these are just some of the ideas that could be brought forward, and that the representatives of each party will have a representative, and these issues that you have heard, and if there are any new ones, will be brought forward to the committee. So this is more information-sharing, I think, is it?

An Honourable Member: Yes.

Mr. Chairperson: Okay. So we understand that, then, whatever the caucuses will bring forward will

go to that committee, and then they will deal with it as they see. Okay?

Mr. Derkach: Would we assume, because this is an informal group in terms of the PAC, that it would be the Government House Leader (Mr. Mackintosh) who will chair that committee, since Mr. Speaker indicated he would not be a part of that?

Mr. Chairperson: What is the will of the committee? Did you have a comment, Mr. Mackintosh?

An Honourable Member: That is fine.

Mr. Chairperson: So is there agreement, then, that the Chair of Public Accounts would chair the committee? Was that your proposal?

Mr. Derkach: My recommendation is that the Government House Leader chair the informal group on the Public Accounts Committee.

Mr. Chairperson: The Government House Leader would be Mr. Mackintosh. You would chair that committee. There is agreement?

An Honourable Member: Yes.

Mr. Chairperson: Okay, there is agreement.

Is it the will of the committee for me to paraphrase back all the discussions? It is up to you,

but I think what I heard was that these are examples of what could be brought forward. Is that agreeable?

Mr. Mackintosh: It should be noted that the Rules Committee, I think it is understood, will make best efforts to report to the House when we resume sitting in March.

Mr. Chairperson: Okay, I just want to confirm something. So the general Rules Committee will be chaired by the Speaker, right?

An Honourable Member: Yes.

Mr. Chairperson: Okay, and the other one, the Public Accounts, will be chaired by Mr. Mackintosh.

An Honourable Member: They call it the House Rules Committee, the House Rules working group and the Public Accounts Committee Rules working group.

Mr. Chairperson: Is that agreeable? *[Agreed]*
Good.

An Honourable Member: Committee rise?

Mr. Chairperson: Is there any other issue? Okay.
Committee rise.

COMMITTEE ROSE AT: 7:12 p.m.