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Third Session — Thirty-Second Legislature

of the

Legislative Assembly of Manitoba

STANDING COMMITTEE

on

RULES OF THE HOUSE

33 Elizabeth II

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

MG-8048

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON RULES OF THE HOUSE
Thursday, 22 March, 1984

TIME — 10:00 a.m.

LOCATION — Winnipeg, Manitoba

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

ATTENDANCE — QUORUM - 5

Members of the Committee present:

Hon. Messrs. Anstett, Penner and Walding

Messrs. Enns, Fox, Santos, Sherman and Scott

MATTERS UNDER DISCUSSION:

1. Time limits on division bells;
2. Matter of privilege - intimidation of witnesses/ display of signs and placards in committee rooms;
3. Proposed printing format and colour for Rules Book;
4. Voting procedures in Committee of Supply;
5. Interpretation of Rule 46 - "No member to speak twice";
6. Use of telephoto lenses in the press gallery;
7. Proposed amendments to rules respecting petitions, public bills and private bills.

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MR. CHAIRMAN: Order please. We have a quorum. The Rules Committee will come to order. Before we get to the agenda, I have a written resignation submitted by Mr. Ransom. If there is no problem with accepting that resignation, I assume that's agreed.

A MEMBER: With regret.

MR. CHAIRMAN: With regret.
Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, I would like to propose the Honourable Member for Lakeside, my colleague, Mr. Enns, be appointed to this committee in place of Mr. Ransom.

MR. CHAIRMAN: Is that agreed? (Agreed)
Mr. Enns.

MR. H. ENNS: While we're dealing with committee memberships, our other member, Mr. Graham from Virden, is out of the province - however, will remain on the committee. Mr. Brown is joining us today as is his right as an MLA to sit in on any committee meetings. However, we are not making any change in personnel in that respect.

ADOPTION OF AGENDA

MR. CHAIRMAN: The agenda has been circulated. Are there any additions, changes? If not, is it acceptable? Agreed? (Agreed)

TIME LIMITS ON DIVISION BELLS

MR. CHAIRMAN: There is some information supplied on each of the items on the agenda. The first one, No. 2 on your agenda, has to do with time limit on the ringing of division bells and there is a packet of information supplied. What is your will and pleasure?
Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman. I've had some discussions with the Honourable Opposition House Leader on this subject and I think in view of the information that's supplied here, which some of us have seen for the first time today, and also in view of the fact that I don't believe that either caucus has had an opportunity to discuss what all the possible options for addressing, what I think is a mutual concern on both sides about this whole question, I think we should perhaps review possibly what the various options are for dealing with the question and then take those back to our respective caucuses and see if we can come up with a consensus on it. I guess in a nutshell what I'm proposing, Mr. Chairman, is that we not make a decision today, a specific decision on this question, but rather have an opportunity to reflect on some options and different ways of addressing it and hopefully then, as we usually do on questions of changing the rules, develop a consensus amongst the members on the committee.

I would suggest, Mr. Chairman, that obviously the first option, one way of looking at this issue, would be the one proposed as an interim measure in the House by myself I guess in early February which suggested that there be a time limit for all divisions irrespective of the character of the division of two hours. I'm certainly not fixed on the time, but certainly a time in hours rather than in minutes or days.

The second option would be to set a much shorter time in line with what has been done in all other jurisdictions in Canada which have set a limit, with the exception I believe in Nova Scotia which says a reasonable time but no more than an hour. Most of the other jurisdictions have time limits in a small number of minutes varying from five to 15 or so.

Mr. Enns and I had an opportunity earlier this week to discuss with some of the House Leaders and Clerks in two of the provinces the operation of a five-minute limit and an eight-minute limit. Certainly from both in opposition and government perspective, but more particularly government perspective, there might be some concerns about a limit as short as five minutes and the possibility then in the option of having a minute limit of five, 10, 15 we might want to consider the deferral of certain votes which would be considered matters of confidence to a specific schedule time. In

other words when a division is requested after the bells ring for five minutes or 10 minutes, if for any reason there is the possibility of defeat of a government on a matter of confidence, that vote could be deferred much as we do in Committee of Supply after 10:00 p.m. at night, deferring to the next day, so that negative votes aren't accepted. So I would say that's the second option, rather than a specific time of two or three hours or whatever, a short time in minutes with an option of deferral of possible negative votes for 24 hours, 48 hours, 72 hours.

Or we could look at scheduling votes as a third option, perhaps schedule all matters of confidence on which divisions are requested to specific times on which a vote would then be held. Then when that scheduled time arrives, a very short period - five minutes, 10 minutes, whatever - something to discuss. Or we could find a way of distinguishing between various types of motions, procedural motions as opposed to substantive motions, and set different times in minutes or hours for different types of motions, or we can combine any one of these options with another to try and come up with combinations.

So I'd like to toss those out, Mr. Chairman - well, perhaps toss them out is the wrong phrase, lay them out for discussion - by members, consideration by the respective caucuses to see if in those four options of different ways of addressing the question we might be able to develop a consensus as to how we deal with bell ringing and the whole process of taking divisions. So I'm suggesting then, Mr. Chairman, that we look at options that this meeting be primarily exploratory and that we not propose to make specific decisions today.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Mr. Chairman, the opposition is certainly prepared to go along with the suggestions made by the Government House Leader that we examine ways and means of addressing ourselves to this question. The experience of other provinces, while valuable of course, should not in any way interfere with what practice has worked well for the Legislature of Manitoba.

I cite the situation in Alberta where it was pointed out to me that practice is indeed as firm a rule as any one that is entrenched. I make the committee members aware of the fact that in their information sheet where it says that in the Alberta Legislature eight minutes is the period allowed for bell ringing, nowhere is that to be found as a standing order in the rules that govern the Alberta Legislature. It is a practice, just as it is a practice in our Legislature, that the bells ring until the respective Whips of the parties in the House indicate to the attendants that the bells should be turned off and the vote taken. That also is not written anywhere in our Manitoba Rule Book, nor can it be found as a standing order of rules of the Manitoba Legislature. It is a practice, a practice that I suggest to members opposite is as entrenched as if it were in a rule book. Obviously the government felt that that was the case in our recent experience with bell ringing, and obviously you, Sir, as the Speaker of the Legislative Assembly, felt that was the case that although there was no written standing order in our Rule Book preventing an alternative course of action that was in fact the practice of this Legislature and it was adhered to.

We have, I believe in Manitoba developed - if we can leave aside for a moment the problem that I suppose brings us together, namely, the extended bell ringing of the last Session - I suggest to members opposite, a very workable practice. I believe that the practice that is in use, for instance, in a province such as British Columbia - and British Columbia is perhaps more analogous to our situation in terms of membership, in terms of the political situation in the House more so than some other jurisdictions - but in British Columbia, the five-minute bell ringing rule is rigidly adhered to. It applies to all circumstances, to Ministers and Premiers alike, and there is absolutely no provision made for Ministers and Premiers to attend, carry out other important functions of their office, legitimate government business and often prevents them from participating in important national or other governmental responsibilities that we take for granted to be part and parcel of the role of a Minister or of a Premier in this province to the extent that B.C. Ministers or Premiers simply do not question whether or not they should be at a Constitutional Conference or whether they should be in the House.

If the House is sitting in British Columbia, they are in the House because they have no exemption, no pairing, and as a consequence I know that some of my colleagues and perhaps some of my colleagues opposite will have noted how frequently British Columbia's point of view is lacking at important decision-making conferences that affect their province and affect the development of policy across the country.

So I think the practice by and large of accommodating Ministers and governments from carrying out their responsibility is one that should not be overlooked or thrown out in the adoption of a new rule. I think that we would have to say, and my colleagues will have more to say about it, that we feel that while we are perhaps certainly prepared to examine ways and means to bring about a more orderly resolution of the practice of bell ringing in the Province of Manitoba, our recent experience has taught us to be extremely concerned about how constitutional measures are adopted in this province, as we did indeed make the case on numerous occasions during the course of the protracted lengthy debate on the question, that we do view and do see a difference between regular legislative business as compared to important constitutional changes - not in all cases - but some of which I suggest to you that the one that we were attempting to deal with in the last Legislature are in fact irreversible, over which the sovereignty of the Manitoba Legislature would have great difficulty in exercising future change or amendments.

For that reason there is a belief within our group that any restrictions or any limitations placed on bell ringing as a general practice in the Manitoba Legislature ought to carry a caveat or a rider that recognizes the fundamental difference between normal statute law in Manitoba, which succeeding political parties or governments can change or modify, should they be given the opportunity to do so after future elections as compared to fundamental change in constitutional make-up of this province. Whether or not that point of view can be accommodated in a rule change is something that I know that our side would want to explore with the government members of this committee.

So, Mr. Speaker, those two probably are, if you like, opening positions of the opposition with respect to any change in the practice of bell ringing in this province, in this Legislature, that we would want to put on the record at this time and hopefully entertain with the members of the government a broader discussion as to whether or not these points of view can be accommodated in any future change.

Thank you.

MR. SPEAKER: Mr. Doern.

MR. R. DOERN: Mr. Speaker and Mr. Chairman, it is true, what has been said by the House Leader of the Conservative Party, that the problem has arisen with the practice of this House because of a proposed constitutional amendment. I want to say right at the beginning that I think we also have to bear in mind one of the exhibits that is before us, namely, on August 12th, that the government itself and the Attorney-General in particular made an agreement with the official opposition that "rules of the House apply with provision for a two-week maximum on bell ringing." And that practice, I think, to a large extent, if not entirely - probably entirely - was adhered to by the official opposition.

I thought, myself, at the time, it was a peculiar proposal that came from the Attorney-General and I know that Mr. Ransom certainly thought so, but nevertheless that was an agreement and I think it was honoured by the official opposition and there was a lot of complaining about it, but it was an agreement which helped us expedite the business of the House in August.

Now, I don't want to get into the substance of the debate, so I will restrict myself to a couple of sentences only in terms of the constitutional question, because we're debating the general question of bell ringing, but I would only say in passing that there were unusual circumstances. The government was, I think, reluctant to act and was limited in acting by its agreement but was reluctant to act because of the fact that it had no mandate to proceed and it was considering a proposal in the face of overwhelming public opposition. That's all I want to say right now on that point.

But the present system that we've had in practice for decades has functioned well, and I don't think we would be here discussing this at all if it hadn't been for the highly unusual method of operation by the government, the significance of the constitutional amendment and the public reaction to it. If it hadn't been for that, the government would have proceeded; and if it hadn't been for that, the opposition wouldn't have put up such stiff resistance.

So the first point that I would make is that having been here some 17 and almost 18 years, I don't believe that there has been any particular need or desire on the part of this Legislature to change its practice, which is that the bells ring, that the Whips give a signal that the bells should stop ringing, and then the Speaker conducts the vote. So I would say that I would like to hear some powerful arguments, some powerful arguments, for changing the present system.

If we hadn't had the present system, then Manitoba would now be officially bilingual, and I think that that should give everybody pause to reflect. I also say to the government, who now appears to be interested and excited about the prospect of limiting the bells, that they themselves may pay the highest penalty of all if they do so, because it's usually and normally and traditionally the government that has the problem of getting into the House, getting sufficient members into the House to win a vote. That's the normal problem. How many hours, days, weeks or months do we allow the government to get its members into the House who are at other engagements, in the hospital, out of province, especially when it's a vote of confidence and especially in the event that the government will fall? It's very important that the government not be limited to some silly time allocation of five or eight or 10 or 20 minutes.

So the government itself should be very reluctant to change the present system and should make sure that it's not going to cut off its nose to spite its face.

The other thing I would say, Mr. Chairman, is that it is the function of the opposition to oppose and the opposition attempts to provide constructive criticism, but what can an opposition do when the government is determined to flex its muscles? All it can do is to debate and to delay and to stall and to drag out the debate, because that is their only weapon. They don't control the purse strings; they don't have the votes; they don't have the whole machinery of government behind them. Unless there is a degree of co-operation between the two sides, you wind up in a deadlock. And the House will never function when the government starts throwing its weight around because the opposition can stall, can delay and can prevent the government from carrying out its normal business.

So I would simply conclude by saying the present system has worked well for decades, and I am not sure that there is any pressing need to change it at this point in time.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: Mr. Chairman, I suppose it's not unreasonable to expect that on an occasion such as this members of the committee might want to rehash the debates and controversy which almost immediately precede this meeting, but in my view that would be unproductive. I think what brings us here, at least most of us, as I understand it, is a recognition that there is a problem. I think that is not simply a recognition that the public is concerned and therefore we're here, although I think it is clear that a significant number of the public is concerned, but what brings us here, I would hope, is our own concern as legislators trying to make the Legislature work better. There are other items, for example, that you have selected for this agenda, proposed for this agenda, adopted by us which are equally dedicated to making the Legislature function better.

So I think that we ought to start with the assumption, I hope we would start with the assumption, otherwise this is just an exercise in rhetoric, that we're here to see if we can improve the functioning of the Legislature.

My learned friend, the Member for Lakeside, said at one point in talking about what he perceives to be our practice and precedent, having the force of rule, that

- and I'm almost quoting here - "leaving aside recent circumstances, it has worked well." Well, in fact, what is perceived to be - and I won't enter that debate either - as a precedent, has never really resulted in the kind of situation that we saw and is recorded in the material circulated, so that you can't really say that it has worked well or that it hasn't worked well, unless of course you do leave aside recent circumstances, and if it weren't for recent circumstances I doubt that we would be here. It's the recent circumstances that appear to have identified a problem that I hope constructively we will address.

The Member for Elmwood said that the government should be careful, it will have trouble. Just taking that, and again not debating it, that leads me to a few remarks about what I think to be the essential principles upon which our discussion should take place. I hope that there is agreement about that or at least about these principles.

One is, and indeed one can cite a precedent for this principle, that we are elected, all of us, whether government or opposition, to be present when the House is in Session and to do the business of governing. Because the role that the opposition plays is in a sense, just as much the business of governing, as what the government does and that we are elected to be - if I may use the language I believe of Erskine May but certainly of the authorities - in the service of the House. I think it's equally a principle that flows from that, that when a division has been asked for and the division bells ring, that they ring to summon the members to vote, and that what other weapons may be available to an opposition - and I'll say a few words about that - to exercise its function as an opposition in opposing a government measure that - and I hope there's agreement on this as well - one of those weapons ought not to be to take a procedural mechanism, which is there to call the members in to vote and to use it for the opposite, for the members to rise in their place and go out with the specific intention of not voting.

The notion that the government will have trouble, I think that an intelligent and a purposeful approach by both sides to how to make any change in the rules work so that it doesn't become, again, something that can be used either by the government or the opposition for purposes not originally intended, we can find ways in which, as our House Leader indicated, questions of confidence and so on can be addressed.

In B.C., as I understand it, because of the strictness with which they enforce their particular rule, they arrive at what I would think to be a ludicrous situation. I hope others would think as well, namely, that when representatives of the Government of B.C. want to go to a national conference, and it might be a First Ministers' Conference, for example, on constitutional matters, they have to adjourn the House. So that becomes ludicrous.

Surely we're capable of rising above that particular inflexible and dogmatic approach to a problem. I think we probably are. We're not so wildly optimistic as to think that we will be government forever, I think a long time, but leaving that aside, we know that at one point or another we may be in opposition. I want to say quite frankly that we're looking at this particular problem from both sides, not simply on the assumption that we're government, we ran into a problem and we want to resolve it for ourselves - looking at it from the point of view of the function of the Legislature. Quite frankly, that's absolutely so.

Another principle, I would think, is that subject to the constitution of a polity, of a particular place, whether it be the National Constitutional Provincial Constitution, a Legislature is elected and the majority party becomes the government and has the right as well as the duty to govern, and that the tactics that the opposition can use ought to be - I hope we would agree on this - parliamentary and not extra parliamentary tactics. There are ways in which the opposition can express its views. One would have thought, looking back on parliamentary history, that the primary way is informed debate. I've made this point before in speaking in the Legislature that there are a number of instances I could cite - I won't take up the time of the committee to cite them now - in which that has worked tremendously well, where members of the opposition on particular bills have said that we've got a problem here and a problem there and a problem there and those should be changed. Then we get together in committee and we go over it.

If you'll look at the record of the last two Sessions of this Legislature, you will see that a tremendous number of changes have been made in legislation because the opposition has played that, its most effective role. And, yes, they can express indignation and so on through various measures that I think none of us would want to change.

The opposition should have the right to move a six-month hoist and to use some extra debating time to explain their position on that. That's not what we're here to discuss. What we're saying is that there is a problem of principle with extended bell ringing when it would seem - and I doubt whether this can be gainsaid that the purpose of bell ringing is to call members, who should be in the service of the House, to the House to do their business as members of the House once the debate has taken place over a period of time. The notion that the government is throwing its weight about is, I think, not at all correct.

Finally, I want to address and appoint with respect to whether or not there is some differentiation that might be made in terms of constitutional measures - you might call it constitutional exception - to any rule with respect to the ringing of the bells.

In expressing a point of view, I'm doing so very tentatively and without having any fixed or final view on that subject. We're open to discuss all possible options, and if that is being placed as an option or will be placed as an option, prepared to look at it. But it seems to me that at first glance I'm not persuaded that there should be that kind of an exception. If you go back to the first principles about which I'm talking, namely, that we're here as elected persons in the service of the Legislature to debate and finally to vote; that when the time comes for the vote that given some reasonable time to allow the members who may be here, there or wherever, to come in - one doesn't want to be as dogmatic as they are in B.C. - that the member should come in and vote.

The notion of the constitutional exception seems to be a bit peculiar. First of all, our present method of amending the Constitution, which is far more flexible than the one which we had before where it had to go

to Westminster, under certain conventions and it would be the result of a vote in the House of Commons in Britain and all the agony we went through over 53 years to find a method of amending in Canada that we now have, as part of our Constitution and agreed to by Sterling Lyon as the Premier of the Province, on behalf of the province, that there is a method for amending the Constitution.

Indeed, there have been discussions going on to amend the Constitution with respect to aboriginal rights. It may take time to bring in some of the changes. I'll give it five years, seven years, but the notion that something, once it is in, is entrenched forever, or I forget one of the words that the Member for Lakeside used . . .

MR. H. ENNS: Irreversible.

HON. R. PENNER: . . . "irreversible," is not in my view, with respect, an accurate depiction of what methods are available for amending the Constitution. But, nevertheless, I want to come back to the point from which I started on this notion of the constitutional exception that there is a provision which calls for, depending on the nature of the constitutional amendment, resolutions of one, or in some instances, seven Legislatures, and of the House of Commons and the Senate, where it's of the - the proposed constitutional amendment is to a provincial constitution such as The Manitoba Act, then it calls for the vote of the Legislature of the province and of the House of Commons and the Senate. So there are safeguards, obviously, that are there. Also, there are rather fewer difficulties in the way of amending at some future time than those kinds of constitutional amendments which require the vote of seven Legislatures representing 51 percent of the population.

However, whether it's seven Legislatures or one, what we do have as a constitutional principle, and the constitution as stated in Section 52 is the fundamental law of the land. The constitution, the fundamental law of the land, says that constitutional changes shall be by votes of the Legislature, resolutions of the Legislature, or Legislatures and the Senate and the House of Commons. And, surely, that means that at some point the Legislature should at least be allowed to vote.

If the constitution, the fundamental law of the land, Mr. Chairman, says that the way in which changes are to take place are in this way, and agreed to by the former government and we concurred in that, and one part of the process is a vote of the Legislature, then steps taken to prevent a vote of the Legislature run afoul of a constitutional procedure, thwart a constitutional procedure, thwart the fundamental law of the land agreed to at the time by the opposition - and let me say, again, agreed to by us, we were then the opposition and now government. So I just state that - let me make it clear, and I conclude at this point, Mr. Chairman, not to begin a debate on the question of the constitutional exception that is suggested as a possible option, and I know it went no further than that by the Member for Lakeside, that there are problems associated with it that we would want to look at very closely.

But I conclude by saying we're here not to talk about the substance of the debate that raged in the House over several months, and not to attach blame, not to discuss and debate whether or not there was or wasn't a precedent, not to debate whether or not, when my signature as Government House Leader and that of Mr. Ransom, let it be noted that as opposition House Leader was affixed to that document, that it created or recognized some precedent or rule, I don't want to get into that debate. Why should we? We're here to look forward, prospectively, not retrospectively. We should only look retrospectively in the sense of identifying a problem. If we don't agree that there's a problem, then we may not agree on a solution.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman. I'd like to deal with one or two of the things that Mr. Penner has said, for a moment or two, if I may, and also offer some thoughts and comments of my own that aren't necessarily related to what Mr. Penner has said, or that don't devolve in particular from what he has said. But to begin with, I would like to say that I agree entirely with Mr. Penner that there is a problem, and that that is why we are here and presumably we can bring our efforts and our good will to bear to try to resolve the problem, and look forward, and work for accommodations and rules and procedures that will work in the future in the best interests of the province.

I also defer to Mr. Penner's knowledge of and experience with constitutional law, and I lay no claim to any other than a layman's passing acquaintanceship with that complex subject. But given that caveat, I would like to deal with one or two things that he said, if I may.

Mr. Penner has challenged or questioned the position put by my colleague, my House Leader, Mr. Enns, to the effect that the system has worked well in the past. Mr. Enns' conclusion, which is one which I share, and I think Mr. Doern made the point in somewhat similar fashion, that the system has worked well and we should be very careful about catapulting ourselves or allowing ourselves to be catapulted into some ill-considered changes.

Incidentally, may I interrupt my discourse, Mr. Chairman, to say that I agree with Mr. Anstett's proposal, and I like it, that we are here today simply to take a look at this subject and to go back and think about it, not make any conclusive decisions today.

But Mr. Penner seems to have difficulty with the kinds of arguments or conclusions that would flow from Mr. Enns' position and Mr. Doern's position to the effect that the system has worked well, and the rules have worked well in the past, and he points out that recent circumstances have produced this problem. The system only worked well, I think Mr. Penner suggested, if we leave aside or ignore those "recent circumstances," and of course we can't leave those recent circumstances aside.

But those recent circumstances, Sir, had to do entirely with an amendment to the Constitution, entirely with an amendment to the Constitution. And until recently, we had de facto no constitution that we could consider amending in this way. I say "de facto," I don't want

to get into all the complexities of that argument or that position, but in effect we had no constitution that we could amend in this way until very recently. So the circumstances that arose, arose as a result of a change in the constitutional nature of this country and the constitutional capability of Canadians and Manitobans to deal with that nature. It's here now, and therefore I suggest, Sir, through you to Mr. Penner, that those recent circumstances are potential future circumstances. They're potential ongoing circumstances and that is now a challenge that we have to look at in the context of the rules of our House and the rules of our Legislature here in Manitoba. That I think is the essential point that Mr. Enns was addressing, and that Mr. Doern was addressing, and it's certainly the one that I wish to address, the fact that we're looking now at a whole new situation having to do with constitutional amendments and formulae and procedures and mechanisms for constitutional amendment with which we were never effectively concerned as legislators in a single province in this country before. And I suggest that a very strong case can be made for a differentiation in our rules at this point, up to this point in time. I'm not suggesting that it's something that would recommend itself for permanent adoption, but certainly up to this point in time for a differentiation between procedures such as bell ringing that are used where legislation is involved, and procedures that may be used where attempted constitutional amendments are involved.

I don't want to get drawn on to the fighting ground of dispute or debate with one of my colleagues and one of my former leaders, insofar as the amending formula of the Canadian Constitution is concerned, or the Charter of Rights, but I have to say with all respect that I believe that the whole amending formula for our Constitution in Canada has got to be seriously examined, re-examined and re-evaluated in the light of a number of things, not the least of them being this battle that we have been through here in Manitoba.

So I think at this juncture, Sir, we have to allow ourselves the legitimate responsibility of considering a caveat for the time being on any rule change that would snuff out the only remaining opportunity for an opposition in this Legislature, whether it is a Progressive Conservative Opposition or a New Democratic Opposition or a Liberal Opposition, the only remaining procedure and mechanism for an opposition in this Legislature to prevent a constitutional amendment from taking place in a manner which that opposition is convinced is unacceptable and insupportable.

That's a political debate, a political argument, but I suggest to you that the New Democrats in opposition might find that they wanted to have that same recourse in the event of a constitutional amendment. Legislation is entirely different, as my colleague from Lakeside has pointed out. There's always the opportunity to change that through the electoral process.

Mr. Penner has said that in fact the Constitution does not suffer from the flaw of an avenue for amendments that would be irreversible such as this one, and he made reference to the term used by my colleague from Lakeside, when he, the latter, suggested that we were dealing here with an amendment that would be irreversible. Mr. Penner says the nature of the Constitution is such that amendments can, in fact, be reversed. Well, legally of course, Sir, that's true. Legally, of course, it's true, but we're all politicians around this table and we deal with political facts, and we know that the nature of this country is such that that kind of an amendment that we were dealing with here in this Legislature reaches to the gut of a question in this country, a political and social question in this country, that is very explosive and very delicate and not one that most governments like to reopen, re-examine, re-evaluate and tamper with on any kind of ongoing basis.

We all know that it would be extremely difficult for any government in this country, any Federal Government in this country, whether Conservative, Liberal or New Democrat, to remove or reverse the amendment that was proposed by the government of this province, because of the impact it would have on our fellow Canadians in the province of Quebec and in the province of New Brunswick. Those are political realities that all of us have to live with us, so I think Mr. Penner's point, while legally correct, is politically short-sighted or politically limited, if I may say so. And I think Mr. Penner - well, I'm not going to put words in his mouth, but I would hope that Mr. Penner as a politician would agree that there is a very subtle and very important difference and distinction that should be drawn there.

Further to that I think when we talk about these recent circumstances and the methods and procedures that were employed by the official opposition in preventing that undesirable proposed constitutional amendment from coming to a vote, we shouldn't overlook some of the unusual techniques that were employed by the government, Sir. I haven't been in this House as long as Mr. Fox, as long as Mr. Doern, as long as Mr. Enns. I think I've been here about the same length as you, Sir, and I can't recall when a government invoked closure with the freewheeling, arbitrary abandon that this government did in respect to the issue that was before us. And that is at the centre of the subject we're discussing this morning. I don't want to rehash that debate either. All of us have said we don't want to rehash that debate but all of us have made oblique and perhaps less than oblique references to it. It's very difficult not to make an oblique reference or two, because you can't just look at the equation from one side. Of course, we invoked a procedure, i.e., bell ringing, excessive bell ringing, that raises many serious questions about responsibilities in the Legislature, but the Government, I suggest, Sir, provoked that. They are similarly responsible, by their arbitrary and I think excessive invocation of the use of closure, and particularly closure on a proposal to amend the Constitution.

So I join my colleague and House Leader in the request, Sir, that we proceed very carefully on this, that we subscribe to Mr. Anstett's opening entreaty that we think about this for awhile before rushing to any conclusions, and that we consider very carefully the legitimate suggestion that for the time being, given the fact that all of us in Canada are feeling our way with a new Constitution, and in fact we're dealing with a hybrid situation, we're dealing with an inherited British parliamentary system and a concept of an American Constitution. This situation never would have occurred in Westminster, as you well know, Sir - never would have occurred because there is no constitution to amend. So as we feel our way into an appreciation and

understanding of this hybrid system that we've now got here, and consider some refinements and some fine-tuning that's going to have to be done, let us not remove vestiges of defence of the public interest from those rules in this Legislature that have served Manitobans so well for so many years.

In conclusion, Mr. Chairman, could I just say that I don't think that we have to consider rule changes at this point in time without considering at the same time the basic essence of democracy. I think we have to consider at the same time what we are here for. We are not here as part of an assembly line; we are not here as part of a production line or part of a mill; we are not here to grind out legislation the way one grinds out a product out of a factory. There is a tendency, or a temptation perhaps, to be stampeded by the media and by some academics and some sectors of the public into thinking that we're here to produce, produce, produce. I don't accept that definition of parliament, Mr. Chairman. We're not here to produce, produce, produce. We're here to debate, debate, debate and that means protect, protect, protect.

HON. R. PENNER: Does it mean obstruct, obstruct, obstruct?

MR. L. SHERMAN: If it means protecting the citizen, if obstruction is required to protect the citizen, then I suggest to Mr. Penner, Mr. Chairman, that he, if he is a person sincerely concerned with the preservation of democracy, and I don't dispute that he is, then he would at times find it necessary to obstruct in or order to protect. That is right, if it can be legitimately demonstrated as the public of Manitoba did that there were certain rights that were being trampled and flouted. Now that is what this is all about and I think for us to abandon that defence mechanism, which may be necessary again before we get our constitutional evolution in this country properly matured, would be legislatively irresponsible.

So, I want to add those words of mine to support the position that has been put on record by my House Leader for consideration of a differentiation between rules that apply to procedures invoked in debate on legislation and rules that apply to procedures invoked in debate on a proposed constitutional amendment and to add my supporting endorsement for Mr. Doern's comments that in the years that he and I have been here in this Legislature, we have not seen this procedure abused and we have never seen any need for it to be abused. If it was abused in 1983 and early 1984, I think we all have to look in all honesty, Mr. Chairman, at the question of whether or not there was good reason and good justification for that abuse.

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: Thank you, Mr. Chairman. There is no denying that the rules have worked well in the past with respect to protecting legislative functions, but there is also no denying that the rules have not worked well with respect to an exceptional function of Legislature in parliamentary system, connected with constitution making and constitution changing. In other systems of government, other than parliamentary, this function is not normally a function of the Legislature. It's usually exercised by a different body called a constitutional convention directly elected by the people outside of the normal Legislative Assembly. But in our parliamentary system, the two functions are combined together in the same parliamentary assembly. That's why the rules that work well in normal routine legislative function may not and did not work as well as we expect with respect to the exceptional function of constitution making and constitution changing.

I think what we should strive for here, Mr. Chairman, is to arrive at a certain body of rules that will be capable of coping, not only with the normal legislative function, but also capable of coping with the exception of constitution-making function and we can only do that if we try to balance the values of a stability of the rules with adaptability to change. The stability is not as important because it gives dependability to the behaviour of participants in the Legislative Assembly. On the other hand, pushed to the limit a stability may, if pushed to the extreme, may result in rigidity of rules that the rules become disfunctional, rather than functional in achieving legislative purposes.

On the other hand, changes may be so radical that we may be imperiling the very structure which has evolved out of the past experience as a social living structure and being. It might continually adapt itself to new changes and new challenges of modern life. I think what we should strive is a healthy balance, a healthy and reasonable balance between stability of our rules as well as adaptability to the changing conditions of modern life.

Thank you.

HON. A. ANSTETT: Mr. Chairman, just a few brief comments. I appreciate Mr. Enns' concern about the fact that in addition to distinguishing between procedural motions and substantive motions, there may be a need to distinguish between several types of substantive motions. But I think it should be pointed out that if a House is to be master of its own rules and procedures, that it would then not be possible for a rule to be put in place which could not be changed to protect the House from change in the future. That's a difficulty, Mr. Enns and I have discussed this amongst ourselves, but I think it's worth having on the record, the problem that in essence would face this committee, if we were to concoct a rule which would attempt to differentiate between two types of substantive motions and then we brought in that rule, a future Legislature could change that rule. The only way to guarantee that would of course be to entrench the rule in the Constitution of the Province and put it in The Manitoba Act.

MR. R. DOERN: Not again.

HON. A. ANSTETT: As the Member for Elmwood says, "Not again." Certainly, I sure as heck would not want to be proposing that, either as a provision to change the rule or as a change in the rule itself either by constitutional amendment or in the House, for the simple reason that the rule would last only as long as there was a majority in government who wanted that rule to exist, or a consensus between government and

opposition. In other words, once you agree to set a limit on other types of substantive motions you can then make a change and the use of the government majority to make that change would fall under the rules. So there is a difficulty in entrenching, which is what would be required, a provision which limits certain types of substantive motions. The more serious problem then is even if you could do that and I say that logistically you can't unless you're prepared to entrench it and I'm not sure that you place in statutes or constitutions the rules of proceedings of an assembly, but even if you were to do that, you would then be faced with the difficulty that the legislature itself was not in control of its own rules and forms of proceeding.

You would also be faced with the situation where a very small opposition party, regardless of popular vote or number of seats, but something as small as four members because that gives official status to an opposition as a party, could then obstruct for 20 years or 100 years from now, for as long as they wanted, on the basis of that rule, a change that the vast majority wanted. And I realize members opposite will argue that wasn't the case in the most recent instance.

I don't want to get into the details of the instance, but I think it's important to recognize that a precedent is a precedent, regardless of whether the precedent is established in a Committee of the Whole House, in the House itself, in debate on a resolution or on a bill, it's a precedent established with regard to the way the House proceeds. We don't have a distinction between types of precedents, whether the debate is on a constitutional question, or a private member's resolution, a government resolution, or various types of bills.

So we do have the precedent of recent circumstances - and I'll do Mr. Sherman one better and not touch on the issue at all, because I've tried to avoid that - I think it's important we address the topic, as Mr. Penner said, of how the Legislature functions, without getting involved in a debate on a particular issue and say that we do have a precedent in terms of recent circumstances. We have a Speaker's ruling, we have discussions of the whole question of limiting the length of time division bells ring, so we have a situation in which we have now set for ourselves, by establishing a new precedent, a rule which binds us for the future. I think the real question we have to ask is do we want to be bound by that, or do we want to address the question?

I have one area where I would disagree in terms of the principles which we must address here, with some members, and that is that this only happens under these conditions. I would draw to your attention the concerns expressed, more recently in the Ontario Legislature by the Government House Leader there, but also by Premier Hatfield, in the month of February, about what this does to the inability, or how this renders an inability on governments to see the Legislature make decisions. More importantly, the fact that the awareness of the weapon, as of March 1982, of obstruction by unlimited bell ringing, creates a weapon which may not necessarily be used by oppositions only in the circumstances outlined by Mr. Sherman, but could well be used for a variety of other purposes. In fact, Mr. Enns and I were told that had that weapon been available on certain legislation in B.C. last fall, it probably would have been used. If that weapon were available to the opposition in this province to certain measures taken by the Lyon Government, it might well have been used by a New Democratic Party Opposition.

I suggest that when things are pushed to the limit, regardless of what the topic is, and the desire to obstruct, particularly in terms of having public approval, then the willingness to use the weapon, once one becomes aware of its existence, grows. It won't happen quickly, but I think in terms of protecting the parliamentary system and ensuring that that system can function, we have to consider the fact that we have set a precedent and that awareness of the use of a tool to obstruct the decision-making process will create use of that tool.

I would suggest that the fact that we only became aware of it nationally in March of 1982 does not change the fact that it might well have been used prior to that time had members been aware that it had the potential it did. So I think for that reason we have to be concerned about that, and I think those few Legislatures in Canada which do not have some form of either precedent, procedure or specific rule for dealing with this have been expressing concern and have been doing research on it. Those are not governments which are presently considering constitutional amendments, or have had difficulty considering them in the past.

The Manitoba experience has highlighted this problem for Clerks and House Leaders in other parts of the country, and they're addressing it from the realistic perspective that it is a precedent and it is a tool which can be used. I think for that reason we have to address it.

The only one point I think should be made with regard to one point Mr. Sherman made, and that related to the fact that bell ringing in the last Session was directly reflective of the government's use of closure. I would point out to him that if he tallies up the hours used in bell ringing in the last Session, there were over 60 hours of bell ringing prior to the notice of an introduction of closure. So the tool was used as a method of obstruction prior to the introduction of any closure motion.

So I think what has to be understood is that once we've done something like this and found that it works, the temptation, and I think that temptation, despite my colleague, Mr. Penner's nay-saying, will be there for anyone. If the emotion and public sentiment on an issue can be heightened to the point where an opposition feels that there are gains to be made, that it will be used. And it won't be restricted to questions of the type we debated last Session.

I have those concerns, but I am certainly willing to look at options for differentiating between questions. As Mr. Penner said, that's worth investigating, but I do have some reservations about how practically that can be done.

Mr. Chairman, I think members opposite as well as members on this side would appreciate an opportunity to mull all of this over, look at the various options, including the fifth option suggested by Mr. Enns, that we distinguish between classes of questions on substantive motions, and we're certainly prepared to do that. I'm not sure that it will expedite the business of the committee to debate that at length at this point, we might be well to move on to other items.

HON. R. PENNER: I agree. I withdraw my name from the speaking list on this, even though I had a very telling point to make for Mr. Sherman, but I'll make it to him privately.

MR. L. SHERMAN: All right, thank you.

HON. R. PENNER: To prove once again that I'm not posturing for the press. — (Interjection) — I agree with one part of what you said.

MATTER OF PRIVILEGE INTIMIDATION OF WITNESSES/DISPLAY OF SIGNS AND PLACARDS IN COMMITTEE ROOMS

MR. CHAIRMAN: If there is nothing further on Item 2, is it the will of the committee to move onto Item No. 3? That has to do with the Matter of Privilege that was raised in the House last year. Because many of us were not at the meeting where the issue arose, I have included in the information for you the Hansard from the committee meeting.

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I'm wondering if we could have, perhaps from the Clerk, a brief resume of the issue, the procedural issue involved in each of these questions, just orally, and then committee members could have an opportunity to review the attached material, perhaps discuss it in their respective caucuses and then defer these items for the next meeting. I expect that we would have another meeting before the House reconvenes and we then might have an opportunity to make decisions on some of these other issues which I think are primarily technical but I don't know if members on either side have had an opportunity to reflect on what the solutions are.

If we could have a brief resume of each one, if Mr. Enns is agreeable, that might be the way to proceed.

MR. H. ENNS: I think that would be helpful, because as has been noted, a number of the members, particularly again speaking for myself, were not present when some of these issues arose. I think, just this morning in reading through them, they are however of the nature, at least some of them, one that's currently before us, Item No. 3, one that judgment can be arrived at reasonably expeditiously, but it is a matter to take back to our respective caucuses and have agreement to the recommendations that the members of the Rules Committee from our side will be making to our caucuses and reports same to the next meeting of the Rules Committee and they can then be adopted. — (Interjection)—

Well, I'm just saying that some of these items, particularly the Item that is No. 3, from a quick reading of it, it is a pretty straightforward situation which our rules seem to cover. As existing, it's a question of either reinforcing those rules or just restating that rule, it would seem to me, Mr. Chairman, and so instructing Chairmen of committees that might be found in a position that have to deal with the situation that arose in Brandon that precipitated this particular item on the agenda on this occasion. But, again, I think I would want to have the opportunity to review all these matters with my caucus and report back to the next rules meeting.

We can have that explanation from the Clerk on this item? Is that not the procedure?

HON. A. ANSTETT: Any additional information the Clerk thinks we may have to do. I'm not sure if we need a rules change, for example under No. 3, Mr. Chairman, or if it's a question of reaffirming where we're at. I know there has been some confusion on that.

MR. CHAIRMAN: Mr. Remnant, what is needed?

MR. W. REMNANT: Mr. Chairman, with respect to No. 3, the incident that occurred at the meeting of the Agriculture Committee in Brandon appeared as if it may have been in contravention of certain Beauchesne citations which deal with the display of exhibits within the precincts of a legislature, whether it be a committee or the House itslf. The suggestion was that there was a possibility that witnesses had been intimidated, which is contrary to another citation of Beauchesne, a couple of Beauchesne citations.

The question I would think for the committee to decide is: Fine, in future, is a recurrence of such an incident avoided simply by reminding Committee Chairmen of the existence of Beauchesne citations? Or for clarity's sake and for ease of reference, might it be the committee's desire to develop specific rules, one relative to the display of placard signs, other pictorial matters in the galleries, in committees and in the House for inclusion at the appropriate place in the rules, or a second rule perhaps dealing very specifically, stating very clearly that it is not permitted to attempt to harass, hinder or coerce witnesses appearing before a committee. Those are the kind of things that the committee might wish to address itself.

For example, on the second part, the committee might even go so far as to consider thinking about a proposed rule which might read along the following lines: No person shall attempt to hinder or deter any other person from appearing or giving evidence before a committee of the Legislature, nor to induce any such person to withhold evidence or give false evidence. The basis for that being Beauchesne Citation 638, Fifth Edition. These are the kinds of things which arise out of the Brandon incident which the committee may wish to address.

MR. CHAIRMAN: Any further questions or comments? Is it the will then of the committee to take that away until the next meeting?

Item No. 4 - Mr. Scott.

MR. D. SCOTT: Mr. Chairman, was there not a reference made to leave the rest of the items to our next meeting and for us to proceed now, or was that just on item 3? I understood it was Items 3 through 10, or 3 through 9 and move directly to adjournment and address the other Items 3 through 9 at the subsequent meeting. That was my understanding of the suggestion by the House Leader and acceptance by the Opposition House Leader.

MR. H. ENNS: Partially Mr. Scott is correct, but I think it would be helpful certainly to me to do just what we're

doing. If we could go through the items on the agenda and we can solicit just the kind of additional information that perhaps you and the Clerk's office can offer on them, we can then make more definitive recommendations to our respective caucuses and in effect be able to deal with them when next we meet. So, I would ask if we could just run through them as we are with any additional notes that the Clerk's office may have for further information.

PROPOSED PRINTING FORMAT AND COLOUR FOR RULES BOOK

MR. CHAIRMAN: There would be some things which you would probably not feel the need to take back to a caucus, for example, the colour of the Rule Book. I mean, is that something you need to caucus on? I don't know.

MR. W. REMNANT: If I could continue, Mr. Chairman, the rules of the House, each member of the committee in his material has a xerox copy of the new format. What happened you may recall at the last meeting of the committee, there was great concern expressed about the legibility of the sample that was made available. We've had a new approach done on it, a slightly different product and it's a much clearer and much more legible format and type face and if members were agreeable we could go ahead and get it printed in that type face. We're anxious to do this because we're down to about one spare copy, if that, of the existing Rule Book and we are getting periodic requests for our other copies which we're not able to meet.

The second half of that question, if I might, Mr. Chairman, I know that the committee at its last meeting did settle on continuing with a Rule Book that looks exactly the same as the present one. I don't know if the committee has any wish to reconsider on the basis that if the cover were this colour or some other colour, the point I only wish to make is that if you've got a Rule Book that looks like this and a Rule Book that looks like this instead of two that look like this, you don't have much trouble figuring out which is the new one and which is the old one.

HON. A. ANSTETT: I'm not clear on whether we agreed to proceed with this type face. I know that some members might consider the type to be of the kind that will lead them to need glasses, although Mr. Penner. already has glasses and claims he has trouble reading it.

HON. R. PENNER: Well, I don't want to move from bifocal to trifocal.

Could I ask a question, if you don't mind, Mr. Anstett? Why this type face? Is there some reason for it being so small?

MR. W. REMNANT: The objective was to get something from the point of view of cost that could be put together by Word Processing. The previous sample that the committee saw was a word processing sample that was a larger type, but it was very light and therefore difficult to read. The present Rule Book is type-set. We're looking at a significant difference in cost. This was arrived at by using an entirely different type face, but in order to fit the page had to be reduced.

There is a slight difference. I think perhaps, Mr. Anstett and Mr. Penner, rather than looking at a xerox, it may be a little better to see . . .

HON. A. ANSTETT: I don't have a problem personally with the type size. It may be possible to add a few pages to the book and have the type face even slightly larger, it might extend it by several pages. The only reservation I have, as I recall, we made our decision, Mr. Chairman, with regard to the binders, not so much on the basis of colour, but on the basis that members already have these binders and we'd just insert the new rules in them and we wouldn't have to go to any expense to get new binders. Now, if we have to go to expense to get new binders anyway for some reason, if we have to get a larger binder because the pages are larger or some reason such as that, then members want to change the colour, I have no objection, but I would just as soon members not have two binders, that they only have one, that it be the existing binder and we save the cost. These things are probably worth $3.00 or $4.00 each, and you know, times are tough.

MR. W. REMNANT: I should point out that the page which some members were having difficulty in reading is a larger page than the existing one and will not fit.

HON. A. ANSTETT: Is the type larger?

MR. W. REMNANT: The type is almost the same size as the present type face, but the page itself - this is one of the new pages, if I can get it in there, it will fit in there. As you can see it's very slightly wider than the existing cover.

HON. A. ANSTETT: It just needs to be trimmed. One pair of scissors instead of 60 new binders.

MR. W. REMNANT: Mr. Chairman, we're still going to have to buy some new binders because we are out of covers. The point that some members could simply replace contents, well that's perhaps true.

HON. A. ANSTETT: Next item.

MR. CHAIRMAN: Mr. Enns, you indicated - what is our agreement? Is there agreement on the proposed type to begin with? Is that agreed? (Agreed)

There is also the matter of the colour of the binder. Do you wish to remain with the blue that you decided, or to change to some other colour?

Mr. Scott.

MR. D. SCOTT: Well, the only point I'd stick with the blue, but I understand dye has already been ordered and that we have already encumbered some expenses, or have we? If we haven't encumbered any expenses for the beige-coloured binder, if there is already money sunk into a thing, it's foolish to change colours again, to go away from the beige. If there is no money sunk already, then it doesn't matter to me what colour it is.

HON. A. ANSTETT: Let's stick with the blue and trim the pages down.

MR. CHAIRMAN: Mr. Kovnats.

MR. A. KOVNATS: Mr. Chairman, I would suggest that you can't possibly stay with the cover that is in existence today because in my opinion, and it seems to be quite obvious, members on both sides of the House do not seem to have these covers with the old rules in them, so I don't see how you can put the new rules into the old covers. I, for one, do not have my Rule Book handy and I would suggest that regardless whether there will be some saving of $2.00 or $3.00, that new covers would be in order.

MR. CHAIRMAN: What is your will and pleasure? Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I suggest that we stay with the current blue colour and that the Clerk's Office buy additional binders for those members who have lost theirs and that they get the new rules inserted in their new binders, and for those of us who diligently hung onto our Rule Book, for whatever reason, that we insert the new rules in our old binders.

HON. R. PENNER: And get one set with idiot strings on them. Tie it to your sleeve.

MR. CHAIRMAN: Does that meet with the agreement of the committee? (Agreed) The colour blue, the type as suggested.

VOTING PROCEDURES IN COMMITTEE OF SUPPLY

MR. CHAIRMAN: Item No. 5. Mr. Remnant, what's the problem?

MR. W. REMNANT: The problem, Mr. Chairman, is outlined in the brief background paper attached. Basically, it's a matter that the process has never been laid down very precisely anywhere. There is a great deal of confusion on the part of members. For example, in A section of the Committee of Supply, you may have a voice vote followed by a count out. There may be an appeal to the entire committee, both sections of the committee come together in the House, the voice vote is repeated and there is a further count out. This process, because it's never been specifically laid down anywhere causes some confusion. There are members who maintain, or have maintained to us, "Well, what this business of a count out in one section, count outs happen in the House." Then you get in the House and you get some members saying: "Look we've already had the voice vote in our section, what are we doing repeating the voice vote? We came in here for a count out, that's all we want." Then on occasion remarks have been expressed to the table, "Well, we didn't want a count out, we just wanted to get the entire Committee of Supply together so we could have a voice vote and make it abundantly clear where our people stand."

So there is nothing precise and there is a lot of confusion. Nothing has been laid down and perhaps the committee would like to address the matter of what exactly is wanted or needed or appropriate and have it put together, not necessarily as a rule, but as a committee recommendation that this is the way the process should be done, whatever the wishes are. Perhaps the committee's view might be that all that is necessary is a voice vote in each section and if you want a count out, you have it in the House with both sections of the committee called together.

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, the latter suggestion has been my opinion as to what was intended originally for some time, but I think because it is a complicated question affecting the way we operate our Committees of Supply, and that is a procedure which is a novel one to parliamentary practice since we established it in '75-76, I think we should defer this. I think we understand what the question is and come back and see if we have any thoughts on how to deal with votes in committee.

MR. CHAIRMAN: Is that agreed? (Agreed)

INTERPRETATION OF RULE 46 "NO MEMBER TO SPEAK TWICE"

MR. CHAIRMAN: Item No. 6, the interpretation of Rule 46. Mr. Anstett, I recall you were interested in this matter.

HON. A. ANSTETT: Yes, Mr. Chairman, this is a complex question. I think we may want to read the Hansard discussion in your ruling, Sir. The only thing I would ask the Clerk to circulate further to members on this question would be a previous Hansard in which - I believe it was myself, it may have been another member - spoke under Rule 46. In the last Session we had two instances, one where a member spoke under Rule 46 and this instance where there was no speech allowed under Rule 46, so we can compare the circumstances in Hansard and make the distinction between the types of cases where comment is allowed under the rule and, so far, to see if we have to change the rule.

MR. CHAIRMAN: Mr. Remnant, can you answer that now?

MR. W. REMNANT: I have to find the reference, and I will find it and circulate it. It might also be useful to circulate with it, Parliamentary Practice in B.C. George McMinn, deals with the question fairly nicely, citing not only B.C. practice, but drawing extracts from other authorities dealing with the question and that might also be useful to members.

MR. CHAIRMAN: Is that agreed? (Agreed)

USE OF TELEPHOTO LENSES IN THE PRESS GALLERY

MR. CHAIRMAN: Item No. 7, the use of telephoto lenses. What do you wish to do?

MR. W. REMNANT: Mr. Chairman, the background of this matter is that some concerns were expressed to

Mr. Mackintosh and myself about the presence in the press gallery on one occasion of a very large telephoto lense and the concern that was expressed by certain Ministers was: is it possible with such a lense to photograph or perhaps even to read documents sitting on a Minister's desk? Now, there is a little background paper which I prepared. There is also an outline of what the rules are in other Legislatures respecting the use of cameras by the news media in the House while it's sitting. I should add, however, that in discussions with the government information office and their photographer and in discussion with other photographers I am advised that the combination of angle shadows, available light levels, the very very minimal and critical depths of focus of such a lense, it would be - I don't think the word was totally, but virtually - if not totally, certainly virtually impossible to take such a photograph.

A MEMBER: A remote possibility.

MR. W. REMNANT: Very remote, I think. One way it was described to me was if a Minister rose and stood with his back to the press gallery and held up his paper like that, yes, possibly you could get a legible photograph of the document - otherwise, virtually impossible.

HON. A. ANSTETT: Perhaps, Mr. Chairman, we should read the background and see if there is a concern in view of the research that's been done.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: I would treat this . . .

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, it seems to me that the key phrase there is in the preamble prepared by the committee staff, Paragraph 3, "extremely unlikely." "Discussions with photographers indicate etc., etc., that conditions make it extremely unlikely that legible photophraphs of documents could be produced." That's the key term for me. "Extremely unlikely" means possible and also you have to ask yourself: what is the state of the art? The art of developing cameras and lenses is continually changing, that technology is continually changing, like other technologies are continually being upgraded and improved. There may be telephoto lenses today that can't take legible photographs of documents in the shadows and in the angles of the Chamber as they exist at this moment, but who is to say that there won't be a lense available to do that next week, next month or next year. I think that we have to be very careful about this. I think that certainly the media has to have and legitimately deserves to have access to the Chamber as was provided by this committee some years ago, but I think that confidentiality of material and documentation is very important in the process in which we're all engaged and that has to be looked at very carefully.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: On this whole issue of photographs, be it by TV cameras or still photographs in the Chamber, I would not mind seeing the committee deal with that at some length and looking at the experience over the past few years since the cameras have been in the House, looking at other jurisdictions as well and to see what format could possibly be established or modified with the present format if it is felt necessary. For instance, right now, as far as the cameras are concerned, the idea of roving cameras versus cameras fixed on a person speaking, it's the idea also that the camera is in the House for such a limited point of time, there is a whole series of issues around this that I think this committee should be discussing down the road. I'd like to expand this question towards other ones which could eventually possibly be moved to two fixed cameras controlled by the sound person, as they have in the House of Commons in Ottawa with remote controlled cameras, so they are in the House whenever the House is in Session. The whole thing is televised, televised according to the person speaking, not according to whoever, just Question Period, or wherever the camera wishes, to rove during that period of time. When you're looking at the rules as given us in the background material from other jurisdictions is quite interesting, how they have things set up. I think we could certainly learn from other jurisdictions and try to make a general reference here as well.

MR. CHAIRMAN: Is it the wish of the committee to deal solely with telephoto lenses on still cameras, or to widen the discussion to deal with other matters, as Mr. Scott suggests?

MR. D. SCOTT: If it takes a motion, I also move that Item No. 7 be broadened to take a general review of cameras, be they TV cameras or movie cameras or still cameras in the Legislature and the processes upon which they are presently operating and potential for the future operation of those cameras.

MR. W. REMNANT: Mr. Chairman just for my guidance in gathering whatever material may be necessary to the committee, is Mr. Scott talking about discussing televising of House proceedings, gavel-to-gavel basis if you wish, start to finish basis in the same manner as is done with the House of Commons and as I believe is now done in Saskatchewan?

MR. D. SCOTT: That would be my preference, and I would like to . . .

MR. W. REMNANT: It's a very major topic.

MR. D. SCOTT: Yes, it is a major topic and the topic has been addressed in previous instances piece by piece and not looking at the whole format. What you have now for the public who are at home and interested in watching, and I get quite a few calls of people who do watch, and they wonder why it goes off at the end of question period. And what we're having happening here as in other Legislatures to some extent as well, is that the only thing that happens in a Legislature is question period and that is not the purpose of Legislature to deal with question period, that is one function of the Legislature. And I think as far as public awareness of our legislative process, and for the

accountability of the members to their own constituents and what not as well, we already have the voice transcription across the networks, so the line is obviously open and is obviously used. I would like to see this committee, at least, deal with the idea of broadcasting from gavel to gavel, if you wish to use that terminology.

HON. A. ANSTETT: Yes, Mr. Chairman, I think the question that's on our agenda is a very narrow one, and I would prefer not to see it expanded to the wider topic, but certainly as an agenda item, so that we distinguish between a particular problem that's been raised with regard to telephoto lenses. If Mr. Scott wishes to pursue the other item as a separate item to go on the agenda for the next meeting, I have no objection but I'd rather deal with the items separately. There has been a trememdous amount of research on television, an excellent report from the B.C. Legislature in the mid '70s, this committee has itself discussed in some detail, we may want to review those transcripts and what goes on in other jurisdictions. I think it's a much broader question, and I wouldn't want to limit our ability to deal with the question of telephoto lenses because of the fact that it may take a year to do a comprehensive study of costs and other implications of expanded television coverage of the Assembly. So, I would reject that suggestion and suggest that Mr. Scott ask that it be put on the agenda as a separate item.

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

MR. H. ENNS: Well, we in the opposition would have no trouble in recognizing the importance of the subject and in dealing with it at a future rules meeting. I think it is a big subject, but to be helpful to the committee on this narrower question of the use of telephoto lenses, it would appear to me that if the Government has indeed occasions had problems with this, and if we, in the opposition have had problems, notwithstanding the comments about the rapid development of technology in this question, I would want to indicate to the Clerk and to you, Sir, Mr. Speaker, that our present rule is adequate, unless either we in the opposition or the Government brings to this Rules Committee a specific recommendation that prohibits the use of telephoto lenses in the press gallery. We may wish to do that, if the technology is advanced as rapidly as my colleague Mr. Sherman indicates. But for . . .

HON. A. ANSTETT: We'll agree to stay one step ahead of technology.

MR. H. ENNS: . . . for the purpose of advice to you, sir, and your staff, we in the opposition have no objection to the presence of telephoto lenses in the gallery.

MR. CHAIRMAN: Do I understand then members to say . . .

MR. H. ENNS: As long as they keep shooting me from the right side.

HON. R. PENNER: I'd prefer to have you shot from any side.

MR. CHAIRMAN: Do I understand from members that they do not wish to take this matter back to their caucuses and that they wish to handle it now and dismiss it?

Mr. Anstett.

HON. A. ANSTETT: No, Mr. Speaker I think we prefer to take it back and have the assurance that the balance of our respective caucuses agree that extremely unlikely is a satisfactory phrase and we're prepared to live with that or, that we may want to limit the size of lenses. I think that question is still open. I'm not prepared to express an opinion at this point.

PROPOSED AMENDMENTS TO RULES RESPECTING PETITIONS, PUBLIC BILLS AND PRIVATE BILLS

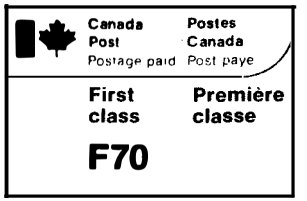
MR. CHAIRMAN: We'll defer that matter then. Item No. 8.

HON. A. ANSTETT: Mr. Speaker, I think this is fairly straightforward. I think what we need to do is take it back to our caucuses, make sure they all have copies and have a chance to review it. I have had a chance, I've seen it before, and I certainly don't have any problems. I saw perhaps an earlier draft.

MR. W. REMNANT: Mr. Chairman, yes. This plan results from the review of an earlier draft by the committee last February. A year ago last February, I should say. There are possibly some minor things I have to confess that the Clerks have looked at, but probably not in as great detail as they should have yet and as they will do before it is considered at a subsequent meeting.

HON. A. ANSTETT: Mr. Chairman, I would then move we adjourn.

MR. CHAIRMAN: Agreed? (Agreed) Committee adjourn.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