



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

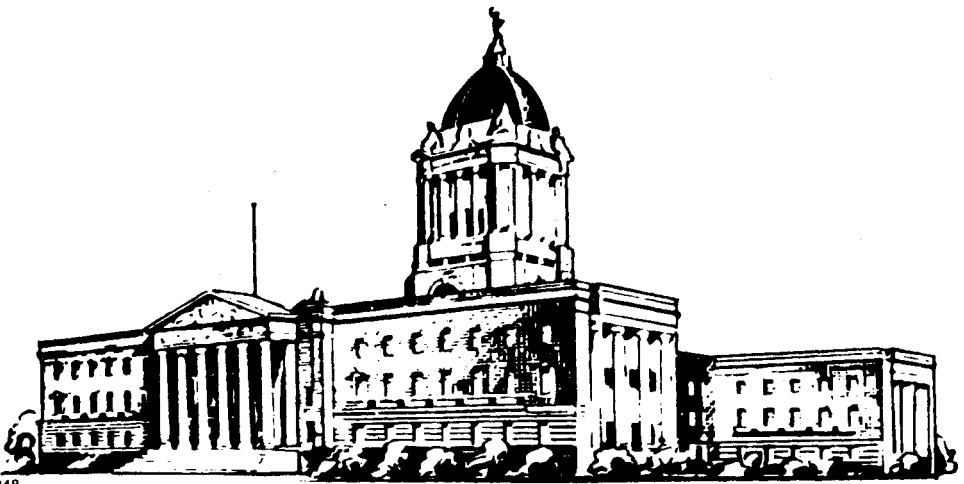
STANDING COMMITTEE

on

RULES OF THE HOUSE

34 Elizabeth II

Chairman
Hon. J. Walding
Constituency of St. Vital



MG-8048

VOL. XXXIII No. 1 - 10:00 a.m., MONDAY, 18 MARCH, 1985.

Printed by the Office of the Queens Printer, Province of Manitoba

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON RULES OF THE HOUSE
Monday, 18 March, 1985

TIME — 10:00 a.m.

LOCATION — Winnipeg, Manitoba

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

ATTENDANCE — QUORUM - 5

Members of the Committee present:

Hon. Mr. Mackling

Messrs. Fox, Mercier, Santos, Scott

MATTERS UNDER DISCUSSION:

1. Adoption of Agenda
2. Consideration of Possible Changes to Practices in Private Members' Hour
3. Clarification of sub-rule 21(3)
4. Other Business:
 - No Smoking Policy
 - Consideration of Rule 72(2)
5. Time and Date of Next Meeting

* * * *

NO. 1 - ADOPTION OF AGENDA

MR. CHAIRMAN: Order please. There being a quorum, the committee will come to order. I think everybody has received a copy of the rather brief agenda. Is the agenda approved? (Agreed) I'll proceed then.

**NO. 2 - CONSIDERATION OF POSSIBLE
CHANGES
TO PRACTICES IN PRIVATE MEMBERS'
HOUR**

MR. CHAIRMAN: Item No. 2 is Consideration of Possible Changes to Practices in Private Members' Hour; Background Paper No. 17 which has been distributed to members.

Mr. Penner.

HON. R. PENNER: Mr. Chairman, it's been reviewed by the government people and we think that it fairly encompasses what has previously been discussed and we're prepared to agree that what is proposed here should be encompassed in the Rules on a trial basis for the balance of this Session.

MR. CHAIRMAN: Mr. Mercier.

MR. G. MERCIER: Mr. Chairman, I wonder if I could ask a question. I've just received the paper. On Pages 2 and 3, could you indicate whether or not there is any change in those rules?

MR. CHAIRMAN: For the time or for the order of . . .

MR. G. MERCIER: In present Rule 19(2) that's being repealed and the following substituted.

MR. CHAIRMAN: Mr. Remnant.

MR. CLERK, W. Remnant: Mr. Chairman, the changes are the elimination of reference in the existing rule to a provision for private members' business on Friday, that's about three-quarters of the way down Page 2. That's the only change on that page.

The only other omission is on Page 3 of the paper before you. What's being deleted, that is in the present rule, is the order of precedence for Fridays. Those are the only changes. It was simply all restated because then it's quite clear what's being done and it's quite clear what the new rule is or proposed new rule is.

MR. CHAIRMAN: Is there any further discussion?
Mr. Penner.

HON. R. PENNER: On the first page, "THAT the following amendments to the Rules respecting the consideration of business," etc., etc. ". . . in effect on a trial basis for the duration of the current Session of the Legislative Assembly."

I'm not quite sure of the status of that. Presumably what we're doing here is we're, in fact, voting in committee to recommend to the House a change in the Rules and that would then have to come to the House and the rule is then changed. Presumably it's just an understanding, I suppose, that we're trying for the balance of the year and then if either side is unhappy, then there's an agreement to bring it back on the agenda of the Rules Committee for reconsideration. But once the rule is changed, it's changed, and you can't presumably put in amendments, as this amendment only takes effect for three months or whatever.

MR. CLERK: Mr. Chairman, in the past, there have been some instances where rules have been adopted for a limited period on a trial basis, and my reading of the Rules Committee reports, in some cases, indicates that they've just stayed in effect. In other cases, it indicates that they have been confirmed, in effect, at or immediately before the termination of that trial period.

Now, one of the concerns I would have about going that kind of a route is if you keep it out of the Rule Book, who's to know what the trial rule really says. If you put in the body of the Rule Book, like any other rule, if the trial period is really to be meaningful, it may be overlooked.

I noticed in my review of the Rules of other jurisdictions, that the Province of Alberta in a situation like that; there is the main body of the rules - they

have some pages inserted at the front - temporary standing order amendments, the effective date and, in the body of them, how long they are to be effective. Now, if that approach were taken, then you know that some decision has to be made whether to continue these rules in force and you then print them in the main body of the Rule Book. I don't know if the committee's interested in going that route.

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: Do I understand then, Mr. Chairman, that the changed rule will be printed in sort of a temporary sheet attached to the main body of rules and it will not be a true amendment in any sense until after the period of experimentation is over and it has been confirmed as a permanent rule?

MR. G. MERCIER: Mr. Chairman, the specific rule changes that are included in this paper seem to only deal with elimination of Friday Private Members' Hour. They don't deal with the 15-minute speaking limit, nor do they — (Interjection) — if we feel we need draft rules then shouldn't there be a rule that does that, that limits the speeches to 15 minutes, and then deals with how you allocate three hours for the debate of each item and then something should say it's off the Order Paper, I take it.

MR. CHAIRMAN: That was done last meeting, was it not?

MR. CLERK: Mr. Chairman, I must apologize. Those rules were written somewhere . . . if the committee would care to set this aside, I can go and get them because they were written. It seems to have been dropped in the reproduction process somewhere.

A MEMBER: You mean they were amended last year?

MR. CLERK: No, but in the preparation of this paper, the amendments were prepared. — (Interjection) — Well, Mr. Chairman, there were specific rules amendments which should have been a part of No. 17-85. I apologize, I'll try to find out what's happened.

MR. CHAIRMAN: I think we can recess for a minute or two to enable us to get that paper.

RECESS

MR. CHAIRMAN: . . . any rules change be put in the Rules Book as an Appendix or something to indicate that it is only in effect until the end of this Session.

The committee will come back to order, by the way, Mr. Penner.

HON. R. PENNER: Mr. Mercier was suggesting - and it seemed to me a good idea - he thought it was an agreement between the House Leaders that they would move a motion in the House containing that which has been produced by the Clerk and propose that as a motion for a change in the rules for the balance of this Session; and then it would just stand that way and it

would contain its own expiry date by the terms of that motion.

Subsequently, if having lived with it for several weeks, whatever time, and both were happy, we could then come and say, move it as a permanent change to the rules and then put it into the Rule Book. I'm not a member of this committee so I can't make that as a motion. I'm only here, voice but no vote.

MR. C. SANTOS: I have a question. If that is the route we take and there is objection on the part of independent members, it has to be debated in the House; but if we make the rule now, as a temporary - it will still be subjected to debate in the House; so it's the same effect.

HON. R. PENNER: Mr. Chairman, it's just an easier way to do it, if the understanding is that this is a trial period, then the easiest way to do it is simply, "Enns seconded by Anstett or Anstett seconded by Enns that the following changes to the rules be applicable for the balance of this Session."

HON. A. MACKLING: I would so move.

MR. CLERK: It doesn't . . . Rules Committee Report. It's dealt with separately as a separate motion. I guess the question arises - no, the question doesn't have to arise if members wish to debate the recommendations, they have the opportunity to do that.

HON. R. PENNER: I suppose the problem, Mr. Chairman, and I notice you're a bit puzzled by it and understandably so, how is it brought into the House? I suppose it can be brought in as government business can be brought in at any time.

MR. P. FOX: It's brought in as a motion of a Report of the Committee as to its deliberations.

HON. R. PENNER: Just as a motion, not as a Report of the Committee.

MR. P. FOX: Yes, Report of the Committee and then you have a motion to adopt that particular report, and that's debatable. That's the procedure, as I understand it.

MR. CLERK: That's another avenue, really. I think what Mr. Fox is suggesting, Mr. Chairman, is that you deal with these amendments as it were as a separate report, dealing only with these interim amendments and then you deal with all the other recommendations of the committee separately. Am I correct? That's what I was reading out of your words.

MR. G. MERCIER: Mr. Chairman, I believe the consensus at the last meeting was that the two House Leaders would bring this specific rule change in by way of a separate motion rather than a Report of the Committee.

I had a question, Mr. Chairman, on the wording of 22.1(1). It states, "The total time allowed for the consideration of a particular item", I think "a particular item" is a wording that's somewhat strange to the rules.

Monday, 18 March, 1985

wonder if it should be "for the consideration of a Private Member's Resolution or a Private Member's Bill"?

R. P. FOX: I think we did intend to have only the location of time for resolutions, not for bills. Bills would still be dealt with in the normal fashion. They could be adjourned anyways, even in Private Members' Hour. So, therefore, they would not be included in this three-hour consideration.

MEMBER: That's correct.

ON. R. PENNER: Just on that last point, since it's risen, then I suppose that the appropriate way would be "the total time allowed for the consideration of a Private Members' Resolution during Private Members' Hour."

There is another way of doing it in simply that we could have a motion here and now that the rules with respect to Private Members' Hour be changed as follows for the balance of this Session, and then report that through the report of the Rules Committee, if it's felt that's a better way of doing it than just have the two House Leaders bring in a motion separate and apart from a report of the Rules Committee.

I say no more. I leave it to the Clerk perhaps to advise us what he thinks would be preferable.

MR. CLERK: Well, Mr. Chairman, one thing about the resolution by two House Leaders, there is a custom that any rules amendment is considered in the Committee of the Whole, and it would seem to me that these recommendations were contained as a section of the overall Rules Committee Report that clearly contains in that section the committee's recommendation that they have effect from the date of adoption until the prorogation date of this Session on a trial basis, I don't see any difficulty with understanding that they are there for an interim time only on a trial basis. I don't think it presents any problems. It seems to be a fairly simple one-shot package.

MR. G. MERCIER: What if we were just to concur in the proposed rule changes for the balance of the Session and leave it to the two House Leaders to decide on a method of presenting it to the House?

MR. CHAIRMAN: Mr. Mackling.

HON. A. MACKLING: Yes, I have no problem with that.

I've got another consideration that I would like to say, and that is - I hadn't thought of this before; our caucus talked about it - and that is that there's the three-hour time limit for the private member's resolution, but what happens if Gerry introduces a resolution on whatever and pursuant to the practice that we followed, I amend it to change it completely, really change it completely from what he intended to see debated — (Interjection) — it's still three hours. I think it may be unfair but . . .

MR. CLERK: Mr. Chairman, apropos of Mr. Mackling's comments, the committee has already made some

changes to 22.1(1). Would it be clearer to everyone if that proposal now said, "The total time allowed for the consideration of any private member's resolution and any amendment thereto shall not exceed three hours?"

MR. CHAIRMAN: I'm still wondering about Mr. Mackling's suggestion that the two House Leaders somehow decide on how things are to be done. I think it would be proper for this committee, as the Rules Committee, to make that decision how the report is to go to the House and not go to individual members.

Mr. Mackling.

HON. A. MACKLING: Mr. Chairman, the committee report will go - and that's one thing - and flowing out of that, the House Leaders will decide the nature of the motion to confirm to what we've agreed upon. I don't see any problem with that.

MR. G. MERCIER: I appreciate your dilemma, Mr. Chairman, but it's not the usual practice.

MR. P. FOX: I believe we're trying to operate by consensus and since this is going to be a change from our normal procedure in respect to Private Members' Hour, if it works out that we approve between the two House Leaders, then they'll determine, prior to the end of this Session, as to whether we should confirm that this is what we want to carry on. I think that's the only thing that the House Leaders will confirm. They will then make a decision after we've used the rules as they are until close to the end of the Session and if they agree that they're working they will then make a decision and bring a motion to the floor of the House that we confirm what we've been operating at.

MR. CHAIRMAN: That's fine; that's not what I understood Mr. Mackling to say.

Mr. Penner.

HON. R. PENNER: Yes. I think we're making, with respect, what should be quite simple, excessively complicated and understandably so, because the two House Leaders are not here; but we don't want them to think that we can't operate without them and I think we should just come down on one side of the line or the other and I don't see anything complicated, with respect, about just including this as part of the Report from the Rules Committee. I think that's the best, cleanest way to do it, and the report itself can say that this is for the balance of this Session and that's that.

MR. C. SANTOS: I think it has been said, it's really the Rules Committee that has been the Standing Committee of the House and it makes its own decisions. If it wants to delegate some of the enforcement function to the House Leaders, I don't see any problem in that, as long as it's the decision of the Standing Committee of the House.

MR. CHAIRMAN: There seems to be agreement on the mechanics of how it will be done. Is there anything further on the matter itself?

Mr. Santos.

MR. C. SANTOS: One thing though that I think this committee cannot do is completely abdicate its own

responsibility and delegate everything to the House Leaders.

MR. CHAIRMAN: With the change in the rule regarding the time to apply to private members' resolutions and not everything under Private Members' Hour, is it agreed to include that in the report? (Agreed)

NO. 3 - CLARIFICATION OF SUB-RULE 21(3)

MR. CHAIRMAN: The next item on the agenda is Item No. 3, the Clarification of Rule 21(3).
Mr. Penner.

HON. R. PENNER: I had a few words with Mr. Mercier and we would propose, Mr. Chairman, that in the absence of the two House Leaders and given that this is a fairly complex question about which we want to be absolutely sure and have a maximum of consensus and a maximum of participation, that we should postpone further consideration of this to the next meeting of the Rules Committee.

MR. G. MERCIER: Agreed.

MR. CHAIRMAN: Is that agreed? (Agreed)

NO. 4 - OTHER BUSINESS

MR. CHAIRMAN: Item No. 4, Other Business. Is there anything new to come before the committee?

MR. C. SANTOS: Did we act on the No Smoking Policy yet, Item No. 1?

MR. W. REMNANT: Mr. Chairman, if I could explain on the no-smoking policy, the instruction the committee gave me at the last meeting was, okay that's what we want, no smoking in committee meetings here, and committees given the authority to make that decision when they are meeting outside the building; draft the policy, Mr. Clerk; incorporate it in the report; we don't need to see again. For the benefit of members in the event that they might have some comments, I have completed and circulated a document complying with the committee's direction for members' information.

HON. R. PENNER: On another point, I would just like to raise for future consideration and ask the Clerk to report on Rule 72(2), which in fact arose today because of the unexpected injury sustained by a member of the committee and some other absences, as 72(2) now is, you're faced with a situation here where the committee is meeting Monday morning and the House won't meet till this afternoon and you can make committee changes of course, by announcement in the House, but otherwise, you're limited to the particular reasons set forth in 72(2) which does not include a temporary illness or an accident or something of that kind.

I understand from the Clerk that the reason for this, and it's a pretty good reason, is that if you had too much in there, then you're going to have a lot of sort of random shifting of membership which is not too desirable from the point of view of the work of committees, particularly of this kind. However, bearing that in mind, I would simply ask that the Clerk take a look at other comparable rules and that it be an agenda item for the next meeting of the Rules Committee, so that at least we can consider whether we want to deal with it or not.

MR. G. MERCIER: Just a comment. I think it makes sense to do that, Mr. Chairman, because I think the practice in the past sometimes has been that members would sign a resignation form in advance and the Clerk would hold them all, particularly where committees were meeting between Sessions. There should be a simpler way of doing it.

MR. CHAIRMAN: Anything further on that point? Anything further under new business?
Mr. Santos.

MR. C. SANTOS: There's nothing more. I would like to move an adjournment.

NO. 5 - TIME AND DATE OF NEXT MEETING

MR. CHAIRMAN: Before we reach that item, there is Item No. 5, which is the time and date of the next meeting. When do you next wish to meet?

MR. D. SCOTT: I suggest two weeks hence.

MR. C. SANTOS: April 1st.

MR. CHAIRMAN: The research that is to be involved in arranging for the resignation of committees is quite extensive. I'm told it's different in every jurisdiction, and to get some sort of a handle could take most of the time, members might not have complete information in two weeks. Can we make it three weeks?

Monday doesn't seem to be that good a day for some members. Committee meetings are usually on a Tuesday or a Thursday.

Mr. Penner.

HON. R. PENNER: We just spoke earlier about delegating authority. Would it be satisfactory if the two House Leaders met with you to set the date for the next meeting some time within the next three weeks?

MR. CHAIRMAN: Is that satisfactory? (Agreed)

If there is nothing further to come before the committee, committee rise.

COMMITTEE ROSE AT: 10:45 a.m.