



Second Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

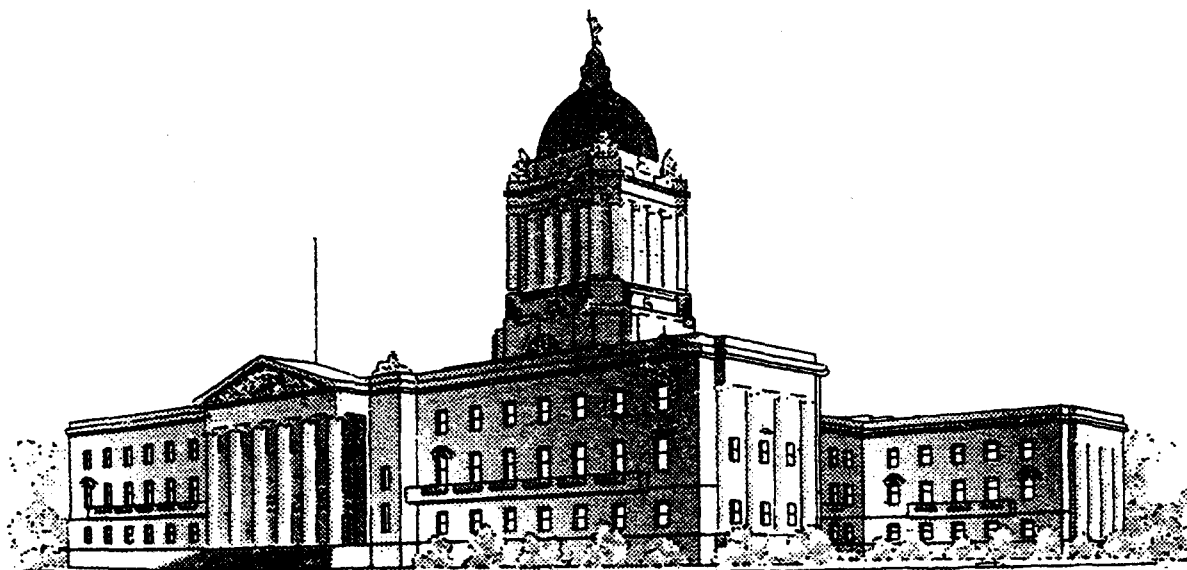
on

Rules of the House

Chairperson

The Honourable Louise M. Dacquay

Constituency of Seine River



Vol. XLVI No. 2 - 1 p.m., Tuesday, March 12, 1996

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Members, Constituencies and Political Affiliation

<u>Name</u>	<u>Constituency</u>	<u>Party</u>
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert, Hon.	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim, Hon.	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David	Riel	P.C.
PALLISTER, Brian, Hon.	Portage la Prairie	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
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TOEWS, Vic, Hon.	Rossmere	P.C.
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VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON RULES OF THE HOUSE**

Tuesday, March 12, 1996

TIME – 1 p.m.

Standing Committee on Rules of the House, effective immediately.

LOCATION – Winnipeg, Manitoba

Are there any nominations to replace the Honourable Mrs. McIntosh?

**CHAIRPERSON – Hon. Mrs. Louise Dacquay
(Seine River)**

Mr. Edward Helwer (Gimli): Yes, I would like to nominate Mr. Radcliffe.

**VICE-CHAIRPERSON – Mr. Marcel Laurendeau
(St. Norbert)**

Madam Chairperson: Agreed? [agreed]

ATTENDANCE - 12 – QUORUM - 6

Members of the Committee present:

Mr. Michael Radcliffe has been substituted as the member for the standing committee to replace the Honourable Mrs. Linda McIntosh.

Hon. Mrs. Dacquay, Hon. Mr. Ernst, Hon. Mrs. McIntosh

Mr. Ashton, Ms. Barrett, Messrs. Helwer, Hickes, Lamoureux, Laurendeau, Martindale, Rocan, Sveinson

I also have before me the resignation from the Standing Committee on Rules of the House, effective today, of Ms. Barrett, the MLA for Wellington.

Substitutions:

Mr. Mackintosh for Ms. Barrett
Mr. Radcliffe for Mrs. McIntosh

Mr. Doug Martindale (Burrows): I move that the composition of the Standing Committee on Rules of the House be amended as follows: St. Johns (Mr. Mackintosh) for Wellington (Ms. Barrett).

APPEARING:

Mr. W.H. Remnant, Clerk of the House

Madam Chairperson: It has been moved that Mr. Mackintosh, the honourable member for St. Johns, be substituted for the Standing Committee on Rules effective immediately. [agreed]

* * *

MATTERS UNDER DISCUSSION:

Proposed amendments to the Rules of the House

* * *

Madam Chairperson: Good afternoon. We have a quorum. Would the Standing Committee on the Rules of the House please come to order.

Madam Chairperson: This afternoon the Rules committee will continue with the consideration of the rules package as prepared by the staff of the Clerk's Office.

Committee Substitutions

Madam Chairperson: For the first order of business of the committee, I have before me the resignation of the Honourable Mrs. McIntosh as member of the

For the benefit of the members of the committee, anyone not having their copies with them, there are extra copies of the original rules package, the original Memorandum of Understanding and the rules book available. If any members wish any of this material, could you please raise your hand and notify the Clerk Assistant so that she can distribute the needed materials.

When the committee last met on February 22 it was agreed at that time that the committee would review each of the proposed rule changes during that meeting and at a subsequent meeting consider each rule change and any amendments for purposes of agreeing to them or not. How does the committee wish to proceed?

Hon. Jim Ernst (Minister of Consumer and Corporate Affairs): I suggest, Madam Chairperson, that we proceed individually, clause by clause, throughout the proposed rule changes and adopt or reject as the committee so decides.

Madam Chairperson: Agreed? [agreed]

New Rule 2 - Spring and Fall Sittings.

Mr. Martindale: Yes, I have a question about the meaning of "will normally sit" which occurs here and in several other rules and also a question about the word "purpose" and whether or not "purpose" is a rule, and I think my colleague from St. Johns might want to comment on that as well.

Mr. Gord Mackintosh (St. Johns): I was asked to read through here, and so I really got far. I got as far as Rule 2 and I had serious questions as to whether this reflects the intent of the agreement.

I understand that our colleague from Thompson will be here shortly. Just looking at the new Rule 2, it says that the purpose of spring sittings generally is to deal with, et cetera. Then it goes on: The purpose of fall sittings generally is to deal with legislation, and then you can go down to, later on, Rule 87 on page 32, and it further defines what happens in the spring sittings.

But my question is whether Rules 2 and 87 actually restrict what can take place in the spring sittings and what can take place in the fall sittings. In other words—I could be wrong—it appears to me though that the rule as worded allows spring sittings to deal with anything because the word "generally" is not prohibitive.

For example, the spring sitting can deal with legislation entirely to third reading. Now, to my recollection that was not the intent of the agreement. So I just wanted to get some feedback on that.

Mr. Ernst: Madam Chairperson, the member for St. Johns is correct, that it conceivably could deal with a bill through to third reading in the spring session. That is from time to time, and if you remember last year we actually did deal with two or three bills in the spring that were generally agreed upon to proceed. My understanding of the intent of the MOU and subsequent rule change is that with the agreement of the opposition we could deal with bills in the spring sitting and did not want to make it prohibitive, that you could not deal with any bills in the spring sitting, because there may be circumstances. One has come to light already, the question of The Law Society Amendment Act, that whether we could deal with it at an early time or not. So it was not to be prohibitive, but generally speaking, the purpose was to introduce legislation and to deal with Estimates and Finance bills.

Madam Chairperson: The Clerk has just drawn to my attention that the word "generally" was taken directly from the Memorandum of Understanding.

Mr. Mackintosh: I think the intent is as Mr. Ernst says now, and I am not sure that the rule does reflect that intent. He again reiterated that with the consent of the opposition we could deal with bills in the spring sitting. That, indeed, was the intent of our understanding. This rule though does not provide for that. What the rule provides for is that bills could at the whim of the government be dealt with in their entirety at the spring sitting. So I think the rule has to be changed to allow for bills to be dealt with in their entirety only with consent. So I think we just have to rejig that and perhaps whether it is done now or at some later time.

Mr. Ernst: Madam Chairperson, I really do not have any objection to that, bearing in mind through all of this that this is a one-shot deal for the moment, that this will occur and will be reviewed at the end of the 1996 session, having regard for all of those things that need to be fine tuned, assuming we will want to proceed with it.

So while writing it in the rule today or not writing it in the rule today may or may not carry forward into the future but certainly will be reviewed again following the upcoming session so that we can either consider

fine tuning or rejecting or whatever goes on. But as I indicated earlier on, some of this stuff, because it is new and different and we have not had any experience with it before, there is a little faith going to be required I think by all of us to ensure that it works. But if the Clerk can adjust that accordingly before the day is out, we can add or amend the rule accordingly.

Madam Chairperson: Is that the will of the committee—

Some Honourable Members: Agreed.

Madam Chairperson: —to have the Clerk work on a proposed amendment to review later?

An Honourable Member: Yes.

* (1310)

Madam Chairperson: Okay. Can we now then—

Mr. Mackintosh: Just a note I think just to follow up with Mr. Ernst's comments. We will have to put away for posterity's sake. I mean the challenge that we have of a new government being elected, where it just does not fit that the spring sitting deal with only these issues. So I understand why the word "generally" is in there, but I think we are going to have to have a separate rule to deal with elections and special circumstances which may require a different kind of scheduling.

That is not for now because we are not looking at an election for the next year or two.

An Honourable Member: I hope not.

Mr. Mackintosh: Not that I know of.

Madam Chairperson: Shall we move to new sub-rule 2(1)? Questions or concerns?

An Honourable Member: Pass.

Madam Chairperson: Is that the will of the committee? [agreed]

New sub-rule 2(2) - Duration of Fall Sitings. Pass? Is that the will of the committee? [agreed]

New sub-rule 2(3) - Extraordinary Circumstances.

Mr. Ernst: Just for Mr. Macintosh's edification, I think this rule was the one that would deal with those extraordinary circumstances.

Madam Chairperson: Agreed?

Some Honourable Members: Agreed.

Madam Chairperson: New Rule 3 - Daily Sitings. [agreed]

New sub-rule 4(1) - Hours of Sitting. [agreed]

New sub-rule 4(2) - During Throne Speech & Budget Debates. [agreed]

New sub-rule 4(3) - Adjournment on Thursday during Spring Sitings. [agreed]

New sub-rule 4(4) - Private Members' Business during Spring Sitings. [agreed]

Revised Rule 19(1). Comment? [agreed]

New Rule 19(2). It is our understanding there was an amendment.

Mr. Ernst: I move

THAT the explanatory material on the left-hand side of page 4, respecting sub-rule 19(2) be amended by adding immediately after "Opposition Day Motions" in line 3: and deleting "(Monday through Friday)" under the heading "Government Business".

We had discussed this at our last meeting and this is the proposed amendment to deal with that. Does everybody understand that?

Madam Chairperson: Question? Comment?

An Honourable Member: We are just taking out Monday through Friday on the left-hand side.

Madam Chairperson: Right. Under the heading Government Business, deleting Monday through Friday.

Mr. Martindale: The reason is that we have Monday through Thursday in other sections.

Madam Chairperson: Right, that is correct.

Is the amendment accordingly passed? [agreed] Is Rule 19(2) as amended agreed to? [agreed]

Mr. Martindale: I thought we were going to delete 19(2).

Madam Chairperson: Yes, we are. A portion of new sub-rule 19(2).

Mr. Ernst: Madam Chair, I move

THAT the texts in the left- and right-hand columns in the boxes at the bottom of page 4 relating also to sub-rule 19(2) be deleted.

Madam Chairperson: Agreed? Comment? Question?

Mr. Kevin Lamoureux (Inkster): I just would ask, I am not really too sure in terms of why that was done. If the minister could just explain and expand on it.

Madam Chairperson: It was just duplication because it is defined a little further on, as I understand it. Is that right?

An Honourable Member: Sounds good.

Mr. Ernst: It duplicates the part above it.

Madam Chairperson: Yes, immediately above it. Okay? Is the amendment accordingly passed?

Some Honourable Members: Pass.

Madam Chairperson: Agreed.

Page 5, Private Members' Business. Agreed? Private Members' Business explanation accordingly passed.

Two Separate Periods 19(3).

An Honourable Member: Pass.

Madam Chairperson: Pass? 19(3). [agreed]

19(4) Business to be Considered. Is it agreed? [agreed]

Rotational Sequence 19(5). Agreed? [agreed]

19(9) Members' Statements - Five Statements Per Day, Statements Two Minutes in Length. Agreed?

Mr. Martindale: Last time, I think this was the section where we discussed exceptions which would be done by leave. I guess we do not need to put anything in the rules because leave is already part of our rules so, if, for example, the Leader of caucus with three members wanted to add, say, a congratulatory statement by leave of the House, the Speaker could recognize anyone really if, for example, the five Members' Statements had already been exceeded.

Mr. Lamoureux: I think in part the reason why it is brought up is just so that we have something to refer to in case there are problems in the future, and we would refer to what was said the previous meeting more so than anything else. But we can pass it.

Madam Chairperson: 19(9), agreed? [agreed]

19(10) Restrictions on Scope of Members' Statements used by Ministers of the Crown. Agreed? [agreed]

New sub-rule 19(11) Member to Speak Only Once on Grievance - Grievance not to be raised during Throne Speech and Budget Debates. Agreed? [agreed]

New sub-rule 19(12) Grievances 15 minutes Each, with No Restriction on Subject Matter. Agreed? [agreed]

New sub-rule 19(13) No Limit on Number of Grievances. [agreed]

New sub-rule 19(14) Debate Terminated Same Day. [agreed]

New Rule 19.1(1) - Number of Opposition Days. Agreed? [agreed]

New Rule 19.1(2) - Distribution of Opposition Days.
[agreed]

New Rule 19.1(3) - Government House Leader to announce. Agreed? [agreed]

New Rule 19.1(4) - Two sitting days notice. [agreed]

New Rule 19.1(5) - If more than one notice.
* (1320)

Mr. Ernst: I move

THAT immediately after the proposed new sub-rule 19.1(5) the following new sub-rule be inserted:

Time Limit

"(6) During debate of an Opposition Day Motion no member shall speak longer than ten minutes."

Madam Chairperson: Excuse me, just for one moment. Can we deal with 19.1, because now the numbering will change? This actually will become 19.1(6) and then the sequential numbering will change on the next two pages. This is a new sub-rule being inserted here. Is there agreement then on new Rule 19.1(5)? [agreed]

Now the amendment. That immediately following 19.1(5) that new Rule 19.1(6) be added which says: Time Limit. During debate of an Opposition Day Motion no member shall speak longer than ten minutes.

Mr. Martindale: A question for information: Did we discuss a time limit at our last Rules committee meeting?

Madam Chairperson: Yes.

Mr. Martindale: And there was a consensus? Okay. Thank you.

Madam Chairperson: This was agreed to at the last meeting, but there was no rule covering time limit there that applied.

Mr. Ernst: I do not know that we agreed to it, but we talked about limiting it to 10 or 15 minutes. So I do not

care if it is 10 or 15, I do not care if it is 30, quite frankly, which is the—the new rule has changed. The comment that was passed around at the time was that it should be limited to less than the 30-minute time limit in order to allow more people to participate. So if you want to make it 15 minutes I do not have any—

Madam Chairperson: Our notes say that it was agreed to on page 13 of the committee Hansard of February 22. Question?

Mr. Lamoureux: I was just going to indicate that Mr. Ashton and I know—we were sitting side by side—we had discussed and we are of the opinion that it should be 10 minutes, no more than 10 minutes, when more people will be provided the opportunity.

Madam Chairperson: Agreed? [agreed]

So that I can procedurally go through this now, this amendment I think is required because otherwise I will be referring to them as what is in your document, which will no longer—we will have then 19.1(6), we will have two of them.

I think you are referring to the whole package, Mr. Laurendeau? Are you? Yes. I have that for consideration of the committee at the very end. We have two or three other matters relating to the entire package that need concurrence by this committee or other direction.

Mr. Ernst: I move

THAT the proposed new sub-rules 19.1(6) to (12) inclusive be renumbered as sub-rules (7) to (13) inclusive.

Madam Chairperson: Agreed? [agreed] Now, page 9.

New Rule 19.1(6) - Not for Second or Third Reading?

Mr. Ernst: That is (7) now, Madam Chairperson.

Madam Chairperson: Yes, I know. Agreed? [agreed] That amendment I understand will supersede this.

19.1(7) - Not a non-confidence motion? Agreed?
[agreed]

New Rule 19.1(8) - Not during Throne Speech or
Budget Debates. Agreed? [agreed]

New Rule 19.1(9) - One only per week. Agreed?
[agreed]

New Rule 19.1(10) - First item of business. Agreed?
[agreed]

New Rule 19.1(11) - Speaker to apportion time.

Mr. Ernst: I move

THAT the proposed sub-rule 19.1(12) [formerly sub-
rule 11] be deleted.

It is not required.

Mr. Martindale: We were going to recommend
taking out the word "recognized parties," and so I
presume that because there is agreement on that we do
not need the whole section. Is that correct?

Madam Chairperson: That is right. Agreed?
[agreed] New Rule 19.1(11), the amendment is
accordingly agreed to.

New Rule 19.1(12) - Debate limited to one sitting
day. Agreed? [agreed]

Mr. Ernst: What we have to do is renumber the last
one now because we deleted. So I move

THAT proposed sub-rule 19.1(13) be renumbered as
sub-rule (12).

Madam Chairperson: New Rule 19.1(12) - Debate
limited to one sitting day. Agreed? [agreed]

Delete existing sub-rule 21(2) because it is not used.
Agreed? [agreed]

Mr. Ernst: I move

THAT the following new Rule be inserted
immediately after proposed new sub-rule 19.1(12) to
replace existing sub-rule 21(1):

Orders Not Taken Up

"21. Subject to Rule 63.9, questions, notices of motions
by members, and orders not taken up or proceeded with
when called, may be allowed to stand and retain their
precedence; otherwise they shall be removed from the
Order Paper."

Madam Chairperson: Is anyone wishing to see a
copy of that amendment? Okay. The Clerk has extra
copies. Distribute it.

* (1330)

Mr. Clerk: This accomplishes two things. The
current rule book includes several sub-rules, 21(2), (3)
and (4), which are no longer necessary and are
consequently repealed because their purposes are
addressed elsewhere now. They were rules which
related primarily to grievances and MUPs being
carried over, that kind of thing, so we were left with
21(1) only, which is renumbered as 21 by this motion.
The lead-off line of existing 21(1) is subject to Rules
22(2), (3) and (4), all of which are disappearing, but the
essence of those sub-rules, that which still applies, has
been restated under Rule 63.9. So the reference now in
21 is subject to Rule 63.9.

Madam Chairperson: Question? Comment? [agreed]

Orders Not Taken Up, Rule 21. Is the amendment
accordingly agreed to? [agreed]

Mr. Ernst: I move

THAT the following sub-rule be inserted
immediately after proposed new Rule 21:

Amendments to Budget Motion

23(3) Only one amendment and one sub-amendment
may be accepted to the motion for approval by the
House in general of the budgetary policy of the
Government.

Madam Chairperson: Do members wish to see a copy of this amendment?

Mr. Lamoureux: Now it is just an amendment and a subamendment.

Madam Chairperson: This is one amendment and one subamendment. This is to clarify for the Budget Debate, right?

Mr. Mackintosh: I just need some clarification. My understanding is that currently any number of questions can be raised on the address in reply—oh, this is the budget motion. My understanding is that any number of motions can be moved. In other words, there is no limit on the current number of subamendments. Is that right?

Mr. Clerk: Madam Chairperson, current Rule 61 does everything that is in this proposed amendment. The difference is that 61 also makes reference to the motion for the Speaker to leave the Chair and the House to go into Committee of Supply.

That particular phrasing dates back to the days when there was no separate budget motion and the Budget Address was presented on the motion to go into Supply. Those words are no longer required, hence this amendment.

Madam Chairperson: Agreed? [agreed]

Mr. Ernst: I move

THAT existing sub-rules 23(3), (4) and (5) be renumbered as sub-rules 23(4), (5) and (6).

Madam Chairperson: Agreed? [agreed]

Revised sub-rule 27(1) - Setting Aside Ordinary Business of the House.

Mr. Mackintosh: Really, is it the question for committee members? I understand why the Routine Proceedings are kept intact and you can only raise an emergency debate after the conclusion of Routine Proceedings. I mean, that is how we have done it before, and the emergency debate has usually been to

preempt the ordinary Orders of the Day. But now that we have moved the grievances from Orders of the Day to Routine Proceedings, essentially what we have, you have to go through members' statements and grievances before you can get to the emergency debate. I am thinking that kind of detracts from the whole notion that there is a possible emergency that is being raised here.

I am just wondering what the thinking of members might be, the advisability of making the emergency debate come before members' statements and the grievances. In other words, have the emergency debate come after Oral Questions, as is currently the case.

Mr. Ernst: With respect to the grievance portion of it, I would suspect it is unlikely there will be a lot of those that would necessarily interfere with the emergency aspect.

In the House of Commons, the members' statements come anyway. The members' statements—actually they do it a little bit differently. It is even before Question Period, I think, they get up and—but it is a part of Routine Proceedings. For one year we can try it, and if it is a problem we can deal with it at the end of the year.

Madam Chairperson: Agreed? [agreed]

Revised sub-rule 27(3) - Procedure on Motion.
Agreed? [agreed]

Revised sub-rule 27(4). Agreed? [agreed]

New sub-rule 27(6) - Business Not to Stand Over.
Agreed? [agreed]

Mr. Ernst: There are a number of old clauses and stuff here that are on the left-hand side of the page.

Madam Chairperson: That are repealed.

Mr. Ernst: Yes.

Madam Chairperson: What I am trying to determine—procedurally the Clerk would like me to refer to those and get agreement from this committee that they be

repealed. I have not dealt with any of the existing rules that are displayed on the left-hand column of the page. What is the will of the committee?

Mr. Ernst: Can we do it at the end with an omnibus motion that all those ones that were redundant as a result of the new changes be dealt with accordingly?

Madam Chairperson: Is that the will of the committee? [agreed] Then we will deal with all the previous existing rules that have to be repealed as one combined motion after we have dealt with the individual new rules. Agreed? [agreed]

New Rule 33(1) - Speeches Limited to Thirty Minutes. Agreed? [agreed]

New Rule 33(2) - The Leader of the Government and the Leader of the Opposition. Agreed? [agreed]

New Rule 33(3).

* (1340)

Mr. Ernst: I move

THAT proposed new sub-rule 33(3) be deleted.

Madam Chairperson: Agreed? [agreed] New Rule 33(3) has been agreed to be deleted.

Mr. Ernst: I move

THAT proposed new sub-rule 33(4) be renumbered as sub-rule 33(3).

Madam Chairperson: Agreed? [agreed]

New Rule 33(4), notwithstanding sub-rules 1 and 2 Private Members' Business, debate be limited to 15 minutes. Agreed? [agreed]

Mr. Martindale: Were we going to change Private Members' Business to private members' hour?

Mr. Ernst: No. Private members' hour is changed to Private Members' Business.

Mr. Martindale: Oh, okay. Thank you.

Madam Chairperson: Agreed? [agreed]

Revised sub-rule 37(3) - Limitation. Agreed? [agreed]

New Rule 51(1)(d) - Notwithstanding other provisions two sitting days notice are required for a motion to be debated on an Opposition Day. Agreed? [agreed]

New Rule 51.1(1) - Issue of Special Order Paper. Agreed? [agreed]

New Rule 51.2(2) - If Speaker unable to act. Agreed? [agreed]

Revised Rule 60 - Withdrawing motions. Agreed? [agreed]

New Rules added: Chapter VII.I Private Members Business.

Mr. Mackintosh: I just had some questions on this area, and it really relates to the role of this new committee called the Standing Committee on Private Members' Business which I think is a renaming of the old Standing Committee on Private Bills.

The process, I understand, in here is largely taken from the House of Commons. Is my understanding correct? The political reality of course of the Manitoba Legislature is way different than the House of Commons, where in Manitoba the executive has much greater dominance, I think I can say with some certainty, of the standing committee process here. The ministers are present as of right and indeed by practice take a very active role in the decision making in standing committees and indeed also in the Standing Committee on Private Bills.

So there will be executive dominance or at least executive influence in that committee, which causes me some concern because, as well, we have criteria here as to how the committee should make decisions on the bills and resolutions that are votable.

I am just wondering where the concept of this committee came from. I mean, did this come specifically from the agreement between the parties?

Mr. Ernst: Yes. This whole area is a little gray in terms of what we had anticipated. There had been some discussions amongst not necessarily myself but others from my party and from members of the opposition parties regarding this whole question of Private Members' Business and how you make it more meaningful for private members to get substantive resolutions dealing with issues, not necessarily beating up on anybody in particular but, rather, to try and deal with policy issues or other matters that would be substantive in nature but of general interest to all members as private members as opposed to the current situation where we basically have our caucus staffs compete to see who can get the most resolutions in there, all or none of which may have any substantiveness to them at all.

So with that sort of in mind, we have tried to manufacture a system which would deal with that kind of approach to it and on the basis that we would bring issues where we had agreement forward for a vote so that there would be none of this current situation where there are amendments that go flying in and then it throws the onus back, and all kinds of stuff or actual, truly substantive issues ought to get voted on by members as private members.

So it was thought we would bring it to this committee, and the committee would try and deal with those kinds of things and for those issues that are generally substantive in nature dealing with issues. We had a couple manage to get to the floor at least in private members' hour last session which probably should have been voted on but did not get there because of primarily the dynamics of what the House was doing.

So the intent was, get these things into a committee, let the proponent come to the committee and explain what they are trying to do, what the issue is and have some discussion with the committee around that issue. Then the committee would decide, yes, that is a reasonably good thing, let us send that to the House and debate it and then vote on it. Similarly, there would be bills come forward from time to time which would get into the same category, and they would be dealt with by the committee. The member could come and explain the purpose and have some dialogue with the

committee and then the committee would decide and send it along to the House, either debatable or not debatable.

Again, as I said, totally new area—we are treading on unbroken ground here. The intent is to try and make it more meaningful for members of the House, for all members of the House, that as private members they should be able to do or say what they feel rather than necessarily be bound by convention of government policy or party line or those kind of things.

That is historically what actually happened or used to happen, I am told by Harry Enns, for instance, with respect to Private Members' Business in the past, where a member of the government could well have stood up and debated an issue and provided a different view than the prevailing one on a particular topic.

We are trying to see if that will work. We needed some kind of a mechanism. This is the one that was proposed by the Clerk to try and approach those objectives. They may or may not meet the test, but we will find out by dealing with it over the balance of this session, and then if it does not work or if other changes need to be made we will deal with it at that point.

I think some experience with it will likely give us the best test of whether this is a good system or not, but time will tell.

Mr. Mackintosh: I think the objectives are laudable. My concern though is that there be as little rule-made executive dominance as possible of the decision making for this committee on private bills.

I am just thinking, I am just throwing this out, should there not be a restriction that no members of the Standing Committee on Private Members' Business be executive members? I think it should be a private members' committee and comprised entirely of private members.

I recognize some of the realities that happen in the Manitoba Legislature, where the executive will have a say in any event on what those members views may be, but I do not think we should be putting in the rules an allowance that executive members decide what private

members' resolutions or bills should come forward. So that is one thing.

The other thing is the criteria that is set out later on in sub-rule 63.7(3). The selection criteria to me could be oppressive. I think they infringe on the right of private members to bring forward whatever resolutions they think are in the best interests of the public within the confines of the general rules, so I have some concerns as to whether (a) we need a selection criteria at all or (b) that we need the number of selection criteria that are there. Those are the two general comments that I had.

* (1350)

Mr. Ernst: Madam Chairperson, the dynamics of the Manitoba Legislature are significantly different than the House of Commons, I agree. The fact of the matter is that if you have 20 or 30 cabinet ministers out of 300 members, you have the luxury of providing for standing committees and so on of people other than members of the cabinet. When you have a majority government of 31 members, one member of which is the Speaker, and 18 members of cabinet, you have difficulty in reaching that kind of scenario.

As well, Madam Chairperson, the intent here is that all members are private members in the sense of private members' hour or Private Members' Business, that all members would participate in debate, that all members would be free to bring forward issues to be considered by the committee and forwarded to the House.

With regard to the selection criteria, I am not hung up one way or another. If it is felt that we should just fly by the seat of our pants for this try at it, then that is one issue which I might well just decide to support. On the other hand, excluding members of virtually 60 percent of our caucus from this is not acceptable.

Mr. Steve Ashton (Thompson): I am sorry, I came in a bit late. My plane was delayed getting in today because of the freezing rain in Winnipeg.

In terms of the composition, I do not think it will work if there are a large number of cabinet ministers on the committee. Private Members' Business has always

been the domain of private members, period, not cabinet ministers. That includes government backbenchers, that includes opposition members. I also think, by the way, that not only should there be no cabinet ministers on this, there most definitely should not be the government House leader.

I would even suggest that the opposition House leader should not sit on it either, because we deal with overall legislative agendas. I am offering myself up here as a sacrificial lamb, as well, because it should be for private members.

Now, in terms of the current situation, government ministers do not bring in private members' bills or legislation. I think we can trust in the good judgment of the private members, whether they be on the government side or the opposition side. I have been on both sides and I think that the only way this is going to work is if there is some sort of leeway. You still have your caucuses. I mean, I am not kidding myself that things are magically going to appear in Private Members' Business.

You know, I go one step further. I think it is probably advantageous for the government not to be part of this, because it would allow, and I could think of a few bills you have had recently which probably went through a lot of discussion in the government caucus, like the inspection bill, the highway traffic inspection bill, which eventually did go out as a private members' bill and then did not get voted on but then was brought in as a government bill. Under this situation members sponsoring that could have gone in and said, this is a good bill and we can deal with it. Also, it allows the government to make a quick decision, well, this is not something we should or should not decide. Try it out in Private Members' Business. That is what happens in Ottawa and I think it works very well.

That is not to say government ministers are not going to speak, and I am not naive. When you are dealing with a situation in which cabinets usually are a majority of the government benches, which has been the case I think in this province for the last 25, 30 years at least, you do not exactly have to worry about it because, I mean, when it comes to the final decision, the vote in

caucus is determined with a significant number of people in the cabinet and usually other dynamics, too.

I would suggest that that is probably the most important thing. We have made some suggestions about improving the wording as well and, if the government is concerned about the allocation of bills and resolutions, I think we would be open to some sort of understanding, especially in the first year. You know, we want to make sure we get our fair share, whatever that is, and I am sure the government members want to make sure they are not crowded out as well.

As much as I would like to sit on this committee, I do not think it would be appropriate for me and I do not think it is appropriate for cabinet ministers. I would suggest we follow that. I understand that maybe there are some exceptions. You end up with a minority government, which we had in 1988 to '90, with 24 members in the government caucus, and it is a bit difficult to run committees restricting cabinet ministers when—I forget what the size of cabinet was, but it was about 19.

An Honourable Member: Eighteen.

Mr. Ashton: Eighteen. So under those circumstances I can see it. I would strongly urge that we pull those, you know, the ministers out this time, try it for one year and restrict House leaders, et cetera, as well, because we do have our own agendas as well, from our caucuses, and try it. It is a one-year issue and I think the amount of time we spend on this is probably indicative of the fact we are a little bit nervous about it. I would suggest we treat this as an area where if it does not work we can scrap the whole thing and we can make major changes. I think the only way to make it work is to start by keeping it to private members, period.

Mr. Ernst: Notwithstanding all the lofty ideals of the member for Thompson (Mr. Ashton) in his dissertation here, I am not about to disenfranchise any member of the Legislature from participating in extensively something that is available for them to participate in at the present time. They are all private members during private members' time.

I can suggest to my honourable colleague that we can allow this to occur with the cabinet ministers participating for a year and see how it works too. I do not anticipate that you are going to have a lineup of people wanting to get on the committee, but at this point I do not want to disenfranchise any of my colleagues by putting into rule something that says a member of the Executive Council cannot participate in a function of the Legislative Assembly. I think that is inappropriate.

Mr. Lamoureux: I just wanted to add a different dynamic to it if I may. The concern that I have is not necessarily if there is a cabinet minister on this standing committee but rather as an independent, if you like.

The concern is that if we bring forward, or any one of the three Liberal members bring forward a resolution or a bill which we would like to see voted upon ultimately, yes, we are entitled to, I believe, a five-minute presentation to the standing committee, but what happens after that is what concerns me.

We all know how it works within caucuses and so forth. If we have representation on a particular committee and I brought forward a particular resolution that my representative from my caucus would in fact advocate on behalf of that particular resolution or be supportive of that particular resolution or bill or whatever it might be, the fear that I have is that if Kevin Lamoureux introduces a good resolution and there is nothing internally on this standing committee to ensure that Kevin Lamoureux will be provided the same sort of opportunity of having someone protect the interest that he might have in that particular resolution, whereas other members outside of the three Liberals do have that comfort zone in the sense that, whether it is Mr. Ashton supporting a particular resolution or the government supporting a particular resolution.

I would seek to get some sort of input on that. The simple answer might be to allow for when an independent's resolution or bill is being discussed, that someone representing the independent should be allowed to participate in the discussion regarding it, whether they are an official member of the standing committee or not, but some leniency has to be given to allow someone to be in the room and be able to speak

to that particular resolution and argue and articulate as to why it should be allowed to be voted upon.

That is the concern I have. Then, following that, I would be interested today—I have a fairly good understanding how the system works. The day before or the day of the session we go and we submit a pile of resolutions. The next day or the next two days it appears on the Order Paper in some sort of an order.

I am not entirely sure of just how this system is going to work. Is it, we submit the number of resolutions at the beginning of the session and then 20 are drawn at random from that which go to the standing committee? If I could get the Clerk just to walk us through that. If Kevin Lamoureux wants to submit a resolution today, what actually occurs at the beginning of the session? What am I to actually do? So I would look for the government House leader's (Mr. Ernst) comments on the first point, along with Mr. Ashton's possibly and then the Clerk to comment on the latter point.

* (1400)

Madam Chairperson: Just for clarification, I just want the committee to remember or realize that all standing committees are struck at the beginning of the session by a striking committee. Now, is it the will of this committee or the intent of the members here that this be different than a regular standing committee? Because the current list is covered under Rule 50, Chapter IX, 69(1), at which time all standing committees are struck and the composition of same. That is the big issue because, I guess, procedurally, how could you adopt a separate rule for a specific standing committee that would be explicitly different from the other standing committees unless you are not going to call this a standing committee, you are not going to refer this to a standing committee, a prescribed standing committee. I think that might provide some clarification in terms of how you are going to deal with this.

I have the Honourable Mr. Ernst, I have Mr. Ashton. Just for clarification, I thought I saw Mr. Mackintosh. Was your hand up as well? No.

Mr. Ashton: I am just trying to think of some other ways of resolving this without running into this difficulty.

One possible way would be to keep a system similar to what we have now which accepts issues based on a random draw which does protect the balance between government and opposition on a random basis and then with a set of rules which we could discuss separately, which I think should be more restrictive than they are currently, but not overly restrictive—some of the items in this I think are overly restrictive—but trying to get motions in a more positive approach.

You could take an issue, any one of the issues we have raised, and you can either phrase it as dumping all over the government or, if you are in the government, praising the government, taking those kind of factors out and put it into more of a conclusion-oriented resolution.

What we may want to then do, I mean, I just throw this out as an alternative approach, because it also gets away from the influence of ministers or lack thereof, is to do it through a draw but have the criteria do the selecting for us, then it is the criteria plus a random draw. It is not as preferable in the sense that you may get a really good resolution way down the list, but it does protect the kind of concerns that are back and forth and does not violate any of what Jim is looking at.

The problem you run into then is, who enforces the criteria for the resolutions? It would probably be either in the Speaker's hand or you might have a committee that does nothing more than that, do it in a sort of passive way or maybe a committee that acts in an advisory basis to the Speaker, in an advisory way.

I think that may solve some of the difficulty here, because then we still have a fairly open situation. It still protects the rights of private members. I beg to disagree with Jim on one thing in terms of ministers being excluded. I have been a government backbencher and government backbenchers are excluded from one body which is probably the most powerful body in this building, cabinet. There is that side of it. It is not asking for too much to have a domain where private members can exclude cabinet ministers, so I can argue that one.

I do not think you have to worry. I do not think your members or our members will have nasty resolutions

about cabinet ministers. I will tell you the truth, the bottom line is here. If you do not have that, there is going to be a lot of indirect pressure. I do not think this will work. There are enough pressures with the caucus.

If the government members agree to some resolutions which are questionable in terms of the rules and they are in the Order Paper, they have to deal with their own caucus. That is tough enough as it is but when you have somebody looking over your shoulder, and I am not saying that people should be paranoid about your involvement, but I have been a government backbencher and I remember sitting in this committee, of being a Chair and being chastised for not following the right course of action.

It was on the MTX issue, actually. It was a resolution that I had said was out of order because the time had run out. But you know what? I was quite right procedurally, but I know the pressure that was on, and I had people say, why did you do that? So let us not be naive about some of the pressures.

Unless we can agree with this in a modified version, that is my alternate suggestion, which is random draw and some way of enforcing the rules and then we can get into what the criteria of the rules would be for specific resolutions afterwards.

The bottom line of that though is, we do not have the same control over quality of resolutions. It would just come down to, maybe we will have one resolution each and we end up with some more puffball ones than we might otherwise, but if we have the rules in place we will not have some of the ridiculous ones in place. I think those are the two options.

Mr. Ernst: Madam Chairperson, we will have the random draw come from the resolutions submitted, in any event. They may get put on the pile of votable or nonvotable, but they are there to be drawn at random so that everyone has an equal chance in terms of the submission of a resolution and a random draw for them. Then the question of the criteria I think was added to try and give some parameters so that they are not automatically rejected because of partisan politics, shall we say. But they are trying to deal with issues and so on.

I would hate like the dickens to throw out the baby with the bath water here in terms of trying to deal with creating a better private members' hour than we have had in the past. You know, the human factor that is involved, I distinctly dislike creating something with a bunch of holes in it and sifting everything through it, and whatever falls through gets to be dealt with is not a great issue, because there may be some great issues that we can deal with if the committee sits down and, again, it is going to require a lot of good will on the part of the committee to try and deal with these kinds of things. There will actually be a large onus on them to try and create a better private members' time than we have experienced in recent years.

I do not think there is, you know, the option that the member for Thompson suggests that we just have a strict criteria, random draw and you get what you get is the way to do this. If we are going to change the way we do it, let us try and deal with it as elected, adult members of the community to try and deal with some issues that all of us can collectively agree upon that are important to be debated.

Notwithstanding that, I still think we can proceed on the basis as proposed. If you want to fine tune some of the criteria, I do not have a problem. If you want to throw the criteria out and let the committee establish their own criteria, I do not care about that either. I think what is important though is to put members in a room and to try and deal with issues and try to get their heads around trying to make this a meaningful situation.

With respect to the issue raised by Mr. Lamoureux, there are penalties for not getting four members in the House. We have tried to adopt as much as we can. I think we have been very flexible, both the opposition and ourselves, in trying to include members of the Liberal Party in almost everything. I mean, you are sitting here because of that. You know, we did have an agreement to place one of your members on two of the standing committees. If you want to change and put them on this one, I do not have a problem with that either, but at some point you have to say that we can only go so far in terms of our flexibility and our willingness to try and deal with these issues. The option is there if you want to change the committee.

We offered, I think, two standing committees where there would be permanent membership. If this is one of them, fine.

* (1410)

Mr. Ashton: Let us try another approach here, because we have not dealt with the breakdown of the committee itself. One way of dealing with this might be to—and I leave this to the government side then whether it is cabinet ministers or not. I still argue that cabinet ministers should not sit on the committee, but we have not discussed what the breakdown would be of the committee itself. If it is to be a different committee than the normal committees, which I believe it is, one of the concerns here obviously on our side is that if there is a government majority, then the deck is stacked against us when the government can decide what is discussed or not, particularly when there are cabinet ministers involved.

One way of dealing with it may be to ensure parity on the committee between the government and the opposition. I would suggest no matter what that there be an opposition member chairing the committee. Then we may want to have, for example, five government members, five NDP members and one Liberal, with the chair being an opposition member. I mean obviously you would have to have a consensus I think on most items anyway.

That may be a way of dealing with some of these concerns, and we may want to have a separate understanding that is not written into the rules so that no party gets left out of resolutions. So that if we have whatever number, 10 votable resolutions, that that reflect the number of private members or whatever. Because I mean I am not interested in stacking the committee from the opposition side, but there is a fear back and forth. So I am trying to figure out some structure that will build in a kind of consensus approach. That makes it less of a difficulty for our side. I still think there is a problem for the government members if you have got cabinet ministers sitting there, but that is something that you can decide internally.

Would that be acceptable? Because otherwise any power, if we go by the normal structure of committees where the government has a majority, that just will not

work in a private member's situation because then you control all the cards. Well, there is one big difference; I will just explain the big difference here. The huge difference here is under the current rules we have the protection of the random draw. We know that we will get the number of resolutions that we are entitled to based on numbers, which may be another way. I mean if that comes down to it, we may want to say the number of votable resolutions will reflect the number of private members in the House. Then we will know. We can figure out because that is what happens currently. Currently the random draw protects each party, makes sure on average we get the number of resolutions we are entitled to. I just do not want to see that shift when we move to the votable portion.

Mr. Ernst: Madam Chairperson, when there is a majority government, all of the committees of the Legislature have the majority government members on it. Whether that automatically means something will not work or not, I would hope not. Certainly from the point of view that I, and I think my colleagues, are approaching this on is the basis that we are trying to make this thing work. We are trying to come up with a better way of dealing with it.

I mean there is the adversarial aspect of government and opposition and inherent—I hate to use the word "distrust," but an inherent concern that where issues are dealt with not in the way we would like to see them dealt with perhaps. Nonetheless I am not of the view that we ought to change the way committees are structured in the House. I mean, that is the way they are structured and the way we should continue to have them structured.

At the same time another option I suppose is that we do not change the rules with respect to Private Members' Business yet, that we simply for the next short period of time continue on with the way it is done now where we would simply debate the existing pile of resolutions that are on the Order Paper and we try and seek some other consensus on the way we deal with this. We are not going to get this resolved, I do not think, in short order.

I would be reluctant to throw out the baby with the bath water in the sense that we should hold everything

up pending this particular section. This is a very important section from all members' points of view I think. If we are collectively going to try and reach that goal of trying to make it more meaningful and more productive time spent in the Legislature, then we can simply defer these changes with respect to Private Members' Business for some further discussion and go on the present basis for the time being.

I do not know that that is terribly desirable from many of our perspectives, but it might be a way of trying to reach some consensus on how we can effectively deal with the question of Private Members' Business, how the committee is going to function, how many people we are going to have and so on and so forth. But it is something I think that bears some considerable consideration because it is very important from all members' perspectives. I throw that out as a suggestion for consideration by the committee.

Mr. Mackintosh: I do not know if this is anything new, but speaking as one private member, my resolutions have to be vetted through the caucus, which is enough, and I appreciate that. I respect that very much, but, heck, if I am going to agree to my private member's resolution being vetted by the Conservative Party members that are in this Legislature—that is essentially what will happen by a committee that is dominated not just by the executive but by Conservative Party members. It is fundamentally wrong to do that. It is one thing to talk about how the other standing committees' membership is comprised. That is all right, but I am not going to for the first time now subject private members' resolutions to that government dominance. That would be wrong.

So I would say either the composition of the committee be made to ensure that there is not government dominance, and in fact the predominance by opposition members, or else we go to some other criteria that the whole committee idea is not on. So I think we should revisit the membership issue, and if that does not go then we should revisit some other decision maker as to the criteria.

Mr. Ashton: I just want to take it one step further here because maybe we are approaching this from the wrong end first. I am just looking at the criteria. I realize

there are some criteria that are problems, but I would still like to see us adopt some idea of criteria somewhat different from what we have currently and then have a resubmission of resolutions which are in more of a positive. When I say positive it does not mean they are not going to be critical of policies or controversial but get away from some of the more predictable resolutions we have had which I do not think are really in the best interests of private members' hour. Also restructure the way we deal with bills.

The reason I am suggesting this is because we could go back, if we cannot come to an agreement on the committee structure, to what we used to do. A few years ago House leaders used to sit down and negotiate which bills or resolutions would come up for votes, and it was not unusual to have private members' resolutions up for votes. That has fallen in disuse, but if we can get the Order Paper changed so we can get the resolutions on, we can then deal with the problem we have got here in terms of how we deal with it. That may mean a committee. That may mean just a random draw. We have got a couple of ideas right now.

* (1420)

It may mean that in the end we may sit down and say, we will have a proportional number of each voted on and each caucus will select it. I do not like that approach because it is private members' hour to my mind rather than caucus hour. But I would rather have some votes rather than no votes, because I think the toughest part is going to be these first few steps. Once we get it going, it is not going to be a problem.

I can tell you right now, having this committee have any real veto over what goes to a vote and what does not, if it is just like any other committee, it is unacceptable to our side. This is totally different from any other committee in the sense that this is Private Members' Business. Under the current system we have the protection of the random draw. I know right now it is not acceptable to our caucus. I am sure it is the same case for the Liberals to have decisions over what can or cannot be voted on potentially impacted on by partisan politics, and particularly if you have cabinet ministers involved you have potential for government agendas in addition to the standard process.

I am wondering if we cannot try that approach, maybe send it back to our caucuses, because I know we would have to have some further discussion, and I am sure the government caucus would want to discuss this a bit further. If we stalled on the committee, can we maybe try and deal with the resolutions and get some commitment to redo the resolutions. I do not want to end up with coming to a solution on the committee and having to deal with the current resolutions, because most of them are not votable under what I would perceive to be the kind of criteria we want. So can we try from that approach?

Mr. Ernst: Trying to rejig the current lot might be problematic, in the short time at least anyway. Can I suggest that we take those sections dealing with private members' hour, defer their consideration until we have had an opportunity to go back to our caucuses and have further discussions on this issue?

Perhaps Mr. Ashton and myself or others can meet to try and reconsider all of the criteria going into this particular section to see if we cannot come up with a system that is acceptable, and from that point, I mean, we knew coming into this that this was, we were treading on eggshells and unbroken ground and it was going to be difficult. There was a lot of faith going to be required on everybody's part to deal with it.

Let us defer this section then for the time being. We will simply, if we do not get changes within the next two or three weeks, which may be difficult, then what we should do is, when the House resumes, simply for private members' time deal with the current lot, however bad they are, and which will be even more pressure on us to try to reach a better agreement on those things.

If that is agreeable, Madam Chairperson, then I think that is all right. In fact, I would move that these be deferred, the real changes with respect to Private Members' Business be deferred until such time as further consideration is given by members of the committee.

Madam Chairperson: Is that agreed? [agreed]

Would you then turn to page 26. Rule 63.17(1) - Debate of Non-Votable Items. Wait, I am sorry. I started at the wrong one.

New Rule 64(2) - Quorum in the Committee of the Whole. Agreed? [agreed]

New Rule 64.2 - Committee of Supply Hours. Agreed? [agreed]

New Rule 64.1(1). Agreed? [agreed]

New Rule 65 - Completion of the budgetary process. Agreed? [agreed]

New Rule 65(6.1) - Quorum not required during Friday sittings. Agreed? [agreed]

Revised sub-rule 65(7.3) - Voting to be completed. Agreed? [agreed]

New sub-rule 65(9) - Sitting on Fridays. Agreed? [agreed]

New sub-rule 65(11) - Business after Committee of Supply rises on Friday. Agreed? [agreed]

New Rule 66(1) and (2) Speeches - 10 minutes—I am sorry. Rule 65.1(4) to amend item (b) in the afternoon from 1:30 p.m. to 5:30 p.m. Agreed? [agreed]

New Rule 66(1) and (2). 66(1) Speeches - 10 minutes. Agreed? [agreed]

66(2). Agreed? [agreed]

New Rule 69.1 - Committee Days. Agreed? [agreed]

Revised Rule 74(4). Oh, this is private members', too. We cannot deal with this one. It is just the terminology that is changing from private members' hour to Private Members' Business. Can we get agreement on that? [agreed]

New Rule 82 - Application of Chapter—[interjection] The old Rule 82. It is a procedural—okay, agreed.

New Rule 87 - Spring Timetable for government bills. Agreed? [interjection] No, this is the timing. The first one was the timing. Does your amendment affect that rule?

Mr. Mackintosh: My initial thinking was that only Rule 2 had to be changed, that this one here was fine.

Madam Chairperson: Okay. Agreed. Rule 87 is accordingly agreed to.

New Rule 88(1), (2), (3) and (4). Agreed? [agreed]

New Rule 89(1) - Fall timetable for government bills. Agreed? [agreed]

89(2). Agreed? [agreed]

89(3). Agreed? [agreed]

Is there any problem with the Appendix? Appendix agreed to? [agreed]

* (1430)

Is it the will of the committee that the following rules—we said we would do it in one omnibus motion, the ones that were on the left-hand side that had to be deleted.

21(3), 22, 22.1, 26.1(1), 61, 65(8) and 65(13). Agreed? [agreed]

I assume it is the will of the committee that we are in a five-minute recess. Agreed? [agreed]

The committee recessed at 2:36 p.m.

After Recess

The committee resumed at 2:41 p.m.

Madam Chairperson: Will the committee please reconvene. The Honourable Mr. Ernst, to move an amendment to Rule 2.

Mr. Ernst: Madam Chairperson, at the start of the committee meeting the member for St. Johns (Mr.

Mackintosh) indicated he had some concerns with respect to new Rule 2. As I indicated at the time, Rule 2 and the following sub-rules under Rule 2 were meant to put some parameters around how we would operate the House, the spring sitting, the fall sitting and generally speaking what we would do at either. The intent was to try and introduce all the legislation by the end of the spring sitting in order to allow an exchange for an agreement that they would come to a vote by the end of the fall sitting so that there is lots of time for the public and the members of the opposition to consult and others to consider the proposals before the House and ample time to have them debated, so that by some point later in the session though that there is a finite end. I mean at some point the votes have to be held and the consideration of the items dealt with. So that was the general intention.

Now, with respect to the spring sitting, and the fall sitting for that matter, because of the vagaries of how our world works, from time to time there will be issues raised with the Legislature that require more immediate action. There will be issues raised, for instance, that will need to see a bill passed by the end of the spring sitting or sooner, dependent upon the issue, in order to ensure that the public interest is served.

At the same time there may be an issue arise between the end of the spring sitting and the beginning of the fall sitting where the public interest is also compromised if action is not taken by the Legislature. So it is not to be mutually exclusive, one estimates, finance; one legislation, but rather that the bulk of the work would be confined to those in exchange for certain agreements on each side.

With that said, Madam Chairperson, I would, with the consent of the member for St. Johns (Mr. Mackintosh), move

THAT new Rule 2.1 be added reading:

"2.1 THAT subject to the agreement of the House Leaders of the Government, the Official Opposition and other Recognized Opposition Parties, notwithstanding Rule 2, the Government may introduce at a Spring or Fall session business other than that referred to in Rule 2."

French version

Il est proposé que le nouvel article 2.1 qui suit, soit ajouté

Il est proposé que, sous réserve du consentement du leader du gouvernement à l'Assemblée, du leader de l'opposition officielle et des leaders des partis d'opposition reconnus à l'Assemblée et par dérogation à l'article 2, le gouvernement puisse introduire, au cours d'une séance du printemps au de l'automne, des affaires autres que celles prévues à l'article 2.

Which then allows for other things to occur, but it has to have the consent of the House leaders in order for that to occur.

And I did that in both official languages, in case you did not notice.

Madam Chairperson: For clarification, because the administration and I are having a little conversation here, my memory says that I did not deal with Rule 2 at all. We deferred dealing with it until such time as an amendment could be approved. Is that agreed? [agreed]

Now, can we please have the committee agree to Rule 2? [agreed]

THAT new Rule 2.1 be added reading:
"2.1 THAT subject to the agreement of the House Leaders of the Government, the Official Opposition and other Recognized Opposition Parties, notwithstanding Rule 2, the Government may introduce at a Spring or Fall session business other than referred to in Rule 2." Agreed? [agreed]

Now, we have not dealt with the package, and administratively I would appreciate the co-operation of the committee giving the administration approval to start to produce parts of this package, so that it can be ready for all members at the commencement of the session.

Mr. Ernst: Madam Chairperson, it was my intent earlier, when moving that we defer the section on the private members' session, would be to report what we

have done to the House on April 2 or the earliest opportunity thereafter in order to implement what we have already been long labouring over, so that if a specific motion of the committee to report is required, I am quite prepared to move that.

If it is administratively easier, I can move that the private members' package be deleted, which in effect then takes it off the table, and then we can proceed and pass. Then Mr. Ashton and I will have our discussions with regard to the items that we are—

Madam Chairperson: No, the question that I have and I guess this committee will have to deal with, what are we going to do with the current Private Members' Business then for this session?

Mr. Ernst: It is my understanding, for the interim at least, until we are able to hash out a better way of dealing with this, then we will simply continue with the existing rules with respect to private members' hour, or private members' time.

Madam Chairperson: More important is the issue of the printing for the Order Paper.

Mr. Ernst: Well, let them print them all.

Mr. Ashton: I think the intent is that they remain on the Order Paper as an incentive for us to get our act together and come up with a better system.

Mr. Ernst: Let me ask a question. There may be a logistical problem in the sense that, because we dealt, we deferred or not considered private members' stuff, what are we going to do? Is there a Thursday morning private members' hour as a result of that?

Madam Chairperson: Yes. Immediately.

Mr. Ernst: That has been dealt with?

Madam Chairperson: Yes.

Mr. Ernst: That is fine. That is all I think we need to concern, the fact that there will be a time. It is not contained in the private members' rules that we have deferred. That is the only question I have. So you will

simply on the Order Paper print the list of private members' resolutions and whatever else is there as you would have had we not changed anything, and we will deal with those in the order that they come up and so on, but we will just deal with it at a different time, and then we will have further discussions.

Madam Chairperson: Is that the will of the committee?

Mr. Ernst: Just let me ask the question. Is it deferring it enough to be able to report the balance of the stuff?

* (1450)

Madam Chairperson: Yes. We can move right now that the Rules package, as accordingly agreed to, be reported to the House, excluding private members.

First, can I get the agreement here to make some other changes? First of all, is it the will of the committee that the staff of the Clerk's Office be authorized to incorporate gender-neutral language in the revised rules? Agreed? [agreed]

Is it agreed that the staff of the Clerk's Office be authorized to prepare and renumber a new version of the Rule book? Now that does not mean reprint. My understanding is that what they will do is put it in binder form for now until such time as the package has been completely agreed to.

Mr. Ernst: We do not want to reprint that—because we may make changes again next fall.

Madam Chairperson: Exactly. It will be done in binder form but for the benefit of all members. Agreed? [agreed]

Is it agreed that the staff of the Clerk's Office be authorized to produce revised rules incorporating all of the amendments and additions to be available when the committee's report is adopted? Agreed? [agreed]

Is it the will of the committee that the Rules package, as accordingly agreed to, excluding the Private Members' Business, be reported to the House? Agreed? [agreed]

Mr. Marcel Laurendeau (St. Norbert): Before we conclude, Madam Chairperson, I would like to thank Mr. Ernst and Mr. Penner and Mr. Praznik and Mr. Ashton and Mr. Lamoureux for having worked on putting this plan together, as well as Mr. Martindale.

Without all their hard work I do not think we could have accomplished this, as well as to have the assistance of one Frederick Mantey, who I think should deserve a little bit of credit for this. He worked with all parties and helped draw this up and congratulations to our staff as well.

Mr. Lamoureux: Just one question and that is—

An Honourable Member: No.

Mr. Lamoureux: Fine, I appreciate that. Just in terms of process, once the session comes to an end, then does the committee reconvene and we have to once again then pass this? What actually happens next session? Has that already been commented on?

Madam Chairperson: It is a good question because there is not—it is in the Memorandum of Understanding, but there is not a specific rule in here to say that it is on a one-session trial.

Mr. Clerk: That can be addressed simply by getting the agreement of the committee right now that that provision be incorporated in the committee's report as written in the Memorandum of Understanding.

Mr. Ernst: Let us make it November 30.

Madam Chairperson: Agreed? Which date? November 30? Agreed? [agreed]

The time is now 2:57 p.m., what is the will of the committee? Committee rise.

COMMITTEE ROSE AT: 2:57 p.m.

ERRATA

Standing Committee on Rules of the House—Volume XLVI No. 1 - 10 a.m., Thursday, February 22, 1996:

Page 9, fifth and sixth paragraphs read:

Madam Chairperson: New Rule 19(1).

Mr. Clerk: This group of rules, 19(1) through to 19(12)

Should read:

Madam Chairperson: New Rule 19.1.

Mr. Clerk: This group of rules, 19.1 through to 19.1(12)

Page 9, third last paragraph reads:

Mr. Ernst: You have a rule prohibiting this. 19(11) prohibits, . . .

Should read:

Mr. Ernst: You have a rule prohibiting this. 19.1(11) prohibits, . . .

Page 19, third paragraph reads:

Madam Chairperson: 63.7(2).

Should read:

Madam Chairperson: 63.2(2).

Page 19, fifth paragraph reads:

Madam Chairperson: 63.7(3).

Should read:

Madam Chairperson: 63.2(3).