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Third Session — Thirty-Second Legislature

of the

Legislative Assembly of Manitoba

STANDING COMMITTEE

on

RULES OF THE HOUSE

33 Elizabeth II

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

MG-8048

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON RULES OF THE HOUSE
Tuesday, 17 April, 1984

TIME — 10:00 a.m.

LOCATION — Winnipeg, Manitoba

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

ATTENDANCE — QUORUM - 5

Members of the Committee present:

Hon. Messrs. Anstett, Penner and Walding

Messrs. Enns, Fox, Graham, Santos, Scott and Sherman

MATTERS UNDER DISCUSSION:

1. Time limits on Division Bells;
2. Matter of Privilege - Intimidation of witnesses/ display of signs and placards in Committee Rooms;
3. Voting procedures in Committee of Supply.

* * * *

Adoption of Agenda

MR. CHAIRMAN: Order please. We have a quorum, the committee will come to order. I believe the agenda has been circulated to members. It is the same as the last time with the exception of the one item which has been deleted on which you have decided.

When we adjourned last time, the two sides were to take the matters on the agenda back to their caucuses and this is the first opportunity we have to call a meeting.

Is it the pleasure of the House to adopt the agenda? (Agreed)

Time limits on Division Bells

MR. CHAIRMAN: Item No. 2, Time limits on Division Bells. What is your will and pleasure?

Mr. Anstett.

HON. A. ANSTETT: I have a proposed amendment which would effect Section 10 of our rules. Perhaps after members have had a chance to review it, I'll read it into the record, Mr. Chairman.

Mr. Chairman, the proposed rule would renumber existing Rules 3 and 4 as Rules 10.(5) and 10.(6) and substitute in their stead the following:

> 10.(3) Fifteen minutes after directing that the members be called in the Speaker shall order that the division bells be turned off and shall again state the question and shall immediately order the recording of the division.
>
> 10.(4) Notwithstanding sub-rule (3) the Speaker may, after consultation with the Government Whip and the Official Opposition Whip, direct that the division bells continue to ring beyond fifteen minutes to a stated time for the exclusive purpose of permitting absent members who may be able to arrive at the Legislative Assembly within a reasonable length of time to attend the service of the House.

Mr. Chairman, members have discussed the merits of different forums of dealing with the question of placing a limit on bells. I think there has been some agreement that the danger of a fixed limit that must be observed at all times by members has two liabilities to it: the first one, that it would run the risk of becoming the minimum period for the ringing of the bells, whether that be two hours or four hours or six hours, whatever; or that members who wanted to be on the record for a division, if the period was too short, would not then have an opportunity to be on the record for that division if they were away from the building. And thirdly, not by any means the least significant of the three, if the government had members absent and for some reason pairing was not available, since that's not a requirement but rather a courtesy under our rules, the opportunity for a government to be defeated on a matter of confidence would arise if that period was too short.

I think members on both sides share that concern and Mr. Enns and I have had some opportunities to discuss with House Leaders in jurisdictions where the period is very short, the kinds of constrictions that places upon the operation of government. So for that reason we think we've come up with what is a reasonable suggestion for compromise between those issues, a relatively short limit of 15 minutes, but provision that members do have an opportunity to attend the service of the House if they are away for reasons - well, if they are absent and are able and willing to attend the service of the House within whatever time is required for them to travel to the Assembly.

Mr. Speaker, we were unable to accommodate the concern of Opposition members with regard to motions of a particular type - those that related to constitutional matters and the suggestion that they would prefer not to have a limit on these. I searched the possible ways of placing such a limit on and concluded that the only way that could be done was to effectively entrench the provision, because as soon as we provide a limit on the bells on all other motions, the opportunity then to change that in the future is limited only by the 15 minute or 15 minutes subject to 10.(4) provisions. And, Mr. Speaker, we had some reluctance in view of the acceptability of the amending formula to members opposite when they were government and to the current government to play with the amending formula that's provided in The Constitution Act 1982, even if we were favourably disposed to make that change. Mr. Speaker, we examined it and it appears not to be a change that's possible within reasonable circumstance, so the question of whether or not we were favourably disposed

to it didn't really have to enter into it, although I can say we were not so disposed.

So, Mr. Speaker, I have that as a suggestion at this point. I don't want to move it as a formal motion because that may inhibit the flexibility of members to make suggestions for changes. I'd like to lay it open for discussion. If members then wish to discuss it fine; if not, I'd be prepared to move it as a motion. I just don't want to limit the opportunity to discuss it and make changes and suggestions.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Mr. Chairman, members of the committee, the question of bell ringing has occupied the attention of the Rules Committee of the Manitoba Legislature from time to time and I appreciate the additional background that's been attached to our current agenda which enables me to refer specifically to it. There are members present, ex-Speakers present, when this matter arose at this committee in times not so far in the future. I refer to a specific occasion of a meeting of the Special Committee on Rules of the House when the honourable member, Mr. Fox, currently, you know, sitting on this same committee will recall and when the question was raised at this committee about limitation of bells. I quote directly from your material, Mr. Speaker, "The discussion of the problem followed in which several members expressed their opinions. It was, however, generally agreed that the system now used in our House worked reasonably well, and that it would be unnecessary to place any restrictions on time limits on the ringing of the division of bells." That was in 1971.

More recently, of course, as recently as September 21st of'82, again the question of bell ringing appeared on the agenda of this committee. At that time my predecessor, Mr. Ransom, made several contributions towards the question and stated the opposition's opposition to any change. It was agreed to by the now Government House Leader, Mr. Anstett, who is quoted in the minutes of that meeting of September 21, 1982: "I concur with Mr. Ransom, Mr. Chairman. This was not on the agenda at our request and we have no interest in changing the rules." Mr. Chairman, that was a relatively short time ago, September of'82.

We raised the question when last this committee met, a week ago, that the opposition still feels that there is little need for changing of the rules. There was a discussion, a willingness to discuss, perhaps some change in the rules, if a special accommodation could be arrived at that involved the matter which we obviously feel very strongly about when this Legislature or a government deals with constitutional matters.

But I think it's important to put on the record, Mr. Chairman, that both sides of the House, as late as 1982, had no objection to operating the way we have operated in this House, and there in fact were no serious abuses of bell ringing. We, of course, had a unique situation, a situation that we felt required the action that was taken at that time that made use of the bells extensively because of the issue that we were dealing with.

I tend to agree with the Government House Leader that a special accommodation to deal with constitutional matters cannot safely be arrived at within changes to the rules. That is self-defeating in a sense that once in place a limitation could be used to a month, a year, or six months, change that accommodation for a constitutional matter. However, we disagree very strongly that special accommodation for dealing with constitutional matters can be arrived at only in that manner. In fact, the prescribed way, as the Attorney-General has pointed out to us in previous meetings of effecting constitutional change is set out for us in the Constitution of Canada. It empowers the Premiers of the province from time to time, or to affix their signatures to, or their agreement to a constitutional change. It seems to me then a reasonable and responsible way of ensuring that the kind of constitutional amendments that go forward from this Legislature on behalf of the people of Manitoba should be treated in a way that so many other organizations acknowledge the fundamental difference between constitutional structural change from ordinary or regular business.

For purposes of discussion, I could only indicate that an action on the part of the government that would acknowledge this by way of a bill, by way of a resolution in the first instance, that would acknowledge that constitutional matters would - a Premier of this province, a government of this province - only be empowered to enter into constitutional changes with some additional measures attached to it that separate it from ordinary House business where simple majorities govern.

Mr. Chairman, we have on other occasions where we set out in legislation and prescribed ways of doing things. We select, as servants of the Legislature, the Ombudsman, the Legislative Counsel, by two-thirds of the House.

What I'm suggesting, Mr. Chairman, is that the opposition really is not prepared to accept a time limitation on bells ringing without some recognition of the kind that I mentioned of the special nature of constitutional change.

If the government is not prepared to entertain a mechanism which sets out the concerns that we have with respect to constitutional change, then we would find it difficult to accept any limitations on the powers that the opposition now has with respect to bell ringing.

I point out one more thing, which was pointed out at the last meeting, perhaps not as strongly as it could have been and should have been, but for the record just to make it absolutely clear that the extensive bell ringing that occurred in the last Session on this matter, on the matter of constitutional change, and I appreciate that it was used, you know, not always precisely on the resolution before us and in some instances on the closure motions before us, but they were all interrelated and nobody, least of all the people of Manitoba, are in any way confused as to why the bells were ringing in this Chamber.

But I point out, I make the point, I note, that the bells rang for that extensive period of time under a very unique arrangement arrived at by the two House Leaders. There was after all a signed agreement, a commitment, that set out that bell ringing of up to two weeks in duration was acceptable to the government and to the opposition. That extensive bell ringing was not just pulled out of nowhere, that was an agreed to procedure that was obviously acceptable to all members of this House at the time that agreement was signed.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: Thank you, Mr. Chairman.

I don't think at this stage of our discussions that much will be gained by an analysis of the past. There are many reasons no doubt which created a situation, which highlighted a problem that hadn't been perceived before as a problem. The fact that it hadn't been perceived before as a problem doesn't mean that there is no problem. I think that's self-evident. The fact that there is an identified problem that ought to be dealt with in the rules, that is being dealt with in the rules of most other Legislatures, is really what we should be dealing with.

I don't think that the Member for Lakeside wants anymore than I want, or any member in this committee wants, to enter into a debate on who did what, and with which, and to whom. The fact is there's a problem, and a proposal has been made to deal with that problem. The objection which is taken is not to the proposal as such, but to the failure to include in it, or to make allowances somewhere else, for some specific way of dealing with what is conceived to be the special problem of constitutional amendment and I speak to that.

I think we have to recognize that the First Ministers of this country, all but one, entered into a sacred accord. That's what a Constitution is, it's the fundamental law of the land, which is now part of the Constitution of Canada, since April the 17th of 1982, when Her Majesty the Queen signed the Proclamation, which contained for the first time an amending formula. What has to be said to begin with is that amending formula does not permit a Legislature, acting on its own, to amend the Constitution. There are safeguards. Even when we are dealing with the Constitution of a province, it requires not only a resolution of the Legislature of the province, but of the House of Commons and of the Senate, so even there there is a safeguard.

In the ordinary course, most amendments that have to be considered will deal with matters beyond the Constitution of the province, and affecting the Constitution of the country, in which case you have to have the assent of the Legislatures of not less than seven of the provinces constituting in terms of their population 51 percent of the population of the country, and the resolution of the House of the Commons and the Senate.

Now, let's take any particular example and follow it through. The First Ministers' meeting in conference, because that's generally the way in which these things get initiated, although it may be started by a resolution of a particular Legislature - B.C. passed a resolution with respect to Section 7 on property rights, but then brought it forward to a First Ministers' meeting because they discuss it and take a sense whether or not indeed there are the seven Legislatures with that kind of a population. — (Interjection) — Yes, it does relate to bell ringing and please hear me out without interruption, I didn't interrupt the Member for Lakeside. At that point they then will go back, if there is a sense that it can be done, and introduce the matter into their Legislatures.

Now, supposing that on the most recent of those amendments - the first amendment to the Constitution in fact dealing with aboriginal rights - you had that agreement and you had the six Legislatures and the House of Commons and the Senate passing such resolutions and it came to Manitoba, right? And you have a resolution before the House, but you had no provision with respect to a limit on bell ringing or some special thing that said that this limit on bell ringing doesn't apply to constitutional resolutions.

What would be the effect if in fact the opposition, whoever it might be, decided for whatever reason, that they simply would not permit that resolution to be voted on? You would have the opposition of one Legislature throughout the country preventing an amendment to the Constitution.

Mr. Chairman, this amending formula was approved by the former government of this province and it is a sacred undertaking. During the course of discussing how a Constitution is to be amended, there were propositions that were put forward which called for amending by referendum and that was rejected. That was rejected because it was said that that by-passes the sovereign power of the elected Legislatures to make decisions affecting the Constitution and the fundamental law of the country, and what is meant there when you talk about the sovereign power of elected Legislatures and must necessarily mean the ability of the Legislature to act on a resolution, to function. That is why not only must we and do we oppose the exclusion from a rule limiting bell ringing of constitutional resolutions, but I would venture the opinion - I did so in previous discussions - that it would be illegal. In effect what we would be doing is by rule. It's open to this argument. I can't pronounce how it would be pronounced in court, but I think somebody could quite quickly take it to court, we would be by rule, the rule of one Legislature, changing in a material way the amending formula and the Constitution. That, of course, is patently impossible. So, both on legal grounds and on grounds of recognizing what has already been approved by the people of Canada through their elected representatives, we would urge that the particular proposal, which we are bringing forward and which does not have a special rule dealing with constitutional resolutions, be approved.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Thank you very much, Mr. Chairman.

I regret that I was not here when the last meeting was held, but I can assure you that I have read very carefully the transcript of the last meeting and I think I understand the arguments that were put forward at that time. I have had the opportunity of sitting in caucus with members of the opposition when this matter was referred back to both caucuses for consideration.

Mr. Chairman, I don't want to really deal with this in a manner where we identify members as one side as being government and the other side as being opposition, I think we're here to deal with the Rules of the Legislature. I would prefer to deal with it in that light.

I took great interest in the remarks of the Honourable Attorney-General and I have to say that I agree substantially with what he said before when he said we don't want to go back, not to attach blame, nor to discuss or debate whether or not there was or wasn't

a precedent, nor to debate whether or not when my signature as a Government House Leader, etc. The basic thing was that he didn't want us to rehash the argument that went on in the last Legislature and I agree, but I think we have to follow quite closely some of his argument when he said we should only look retrospectively in the sense of identifying the problem. I couldn't agree more with him than I do with that particular statement, because I think that we may not be identifying the problem at all. We are looking at trying to stop the bells from ringing rather than trying to identify the problem of why the bells were ringing.

I think we have another rule in our book that we should maybe be looking at, which might remove the reason for bell ringing, and that is our own particular rule on closure. We have a rule on closure which says that the debate should be, if it has not been resumed or concluded before 2:00 a.m., that the vote should be held at that time. Now, I don't know why that 2:00 a.m. got placed in there, because it's certainly not within the normal rules of the operation of the House. The normal rules of the operation of the House are between 2:00 p.m. and 10:00 p.m., so that may be one area that we should be looking at, and if we can remove some of the causes then maybe our problem may not be there.

It is my belief that if we had a decent or reasonable rule on closure, I would think that that would remove all of the problem that we have with bell ringing, if we have a problem with bell ringing.

So I would hope that the Rules Committee would look at some of the causes and if we can remove some of the causes we may have solved the problem without having to impose a rule on bell ringing. I throw that out to the committee for consideration. They can accept and they can look at it, or they can refuse to look at it, but I think that might be one of the potential causes of what we perceive as being a problem. I agree with Mr. Penner that we should look back in the sense of trying to identify the problem.

I would ask the committee if they would consider looking at Rule No. 37.(2), in particular, and there may be some changes in there that would be beneficial to the operation of the House, to the conduct of the business of the House, and the conduct of members of the House. That, I believe - and that's a personal belief of mine - might move a long way towards solving what committee members perceive, or some committee members perceive, as being a problem that should be rectified immediately.

HON. A. ANSTETT: Mr. Chairman, I think if we are to gain anything retrospectively from the last Session, in terms of the problem that we recognize as having occurred with regard to the absence of any limit on bell ringing, I think there are two things we should recognize. I would disagree very directly with Mr. Graham that the closure rule itself was part of the problem, but I would be the first to agree with him that that rule with respect to time allocation could be changed. Various Legislatures provide different mechanisms for allocating time for debate. There is absolutely no question that the way in which time is allocated for debate could be examined, and that has been examined most recently in changes in the Federal House of Commons, but as well in the Ontario Legislature, and certainly that is something that I think this committee could look at in the future. If the member wishes, I'm certainly agreeable to having it put on the agenda for future meetings.

I think clearly, although Mr. Enns chooses to identify the issue as the question of a constitutional amendment, what became the issue near the end of the last Session was very specifically the question of bell ringing, and the longest single period of ringing the bells occurred on a motion, on a matter of privilege, related specifically to bell ringing. Certainly, in the last week or 10 days of the Session, that was the focal point.

Now, what the purpose of that was and what the perception, as Mr. Enns says, of the average Manitoban is not, I would submit, the immediate concern we have here. That was the concern in terms of how they identified the series of issues which we addressed, but our job here on the Rules Committee is to deal very directly with not perceptions, but the reality of our rules. The reality of our rules are that no matter what the government or opposition proposes to do by way of motions in our House at the present time, a decision on those motions can be obstructed by what amounts to an abuse of a rule or the absence of a rule with regard to the taking of divisions, and regardless of the type of questions that may be proposed by any member, the absence of that rule is causing concern in Legislatures other than Manitoba and in the House of Commons. They, too, are moving in a direction to find a way of limiting the length of time bells will ring.

So looking retrospectively then there are two things that I think we learn, and that is that we have to address the question because even the simple question of changing the rule can be denied to the Legislature by allowing unlimited bell ringing. And, looking retrospectively, even our closure mechanism under any revised form would be unworkable if unlimited bell ringing on a procedural motion of that type were possible. So I think clearly for the Legislature to function and for members to do their duty as members and attend the service of the House this issue has to be addressed.

So, Mr. Chairman, if there aren't specific suggestions with regard to the proposal that I distributed, I would make one which the Clerk brought to my attention, and that is that the words "not more than" be inserted at the beginning of 10.(3), so that the vote can be taken in less than 15 minutes, which I think is a very worthy suggestion. Hopefully, we don't want to establish 15 minutes as a minimum either and with that addition of "not more than" at the beginning of 10.(3), I would move the rule as distributed this morning for inclusion in our Rules and Standing Orders.

MR. CHAIRMAN: With that change to the beginning of the proposed 10.(3), it is moved by Mr. Anstett, the motion as written.

Mr. Enns.

MR. H. ENNS: Mr. Chairman, I want to just come back briefly to some of the discussion that took place the last time this Rules Committee met and again this morning between Mr. Penner and myself. The opposition feels very strongly that we can't entertain any suggestion

of any limitation of bell ringing or changes to this rule without definitive action on the part of the government that addresses the concerns that we've raised.

I take this specific question, I look at it from a different point of view, and I don't think I'm looking at it from a point of view that would suggest any difficulty with the amending formula in the Constitution of Canada as it's now written down, and he correctly points out as to what was agreed to by a Premier I once served in the previous administration and take the specific issue that you raised with respect to the position of entrenching or making a constitutional change with respect to aboriginal rights.

I put the position very plainly. I don't believe any Premier of this province should go forward and make that kind of a commitment without having the approval of his Legislature and that is what I'm seeking for and having that approval in a form that recognizes the uniqueness and the importance of constitutional change. I don't know precisely what form that mechanism should take but for discussion sake that could well be, if we deem it important, that we cannot appoint a legislative counsellor or a provincial auditor with less than two-thirds support of the Legislature, then surely a constitutional change, any constitutional change, ought to have the same importance in terms of support in this Legislature.

So what I am saying is that it would empower, it would just set out a way by which a Premier, this Premier or a future Premier, would go to the federal conferences that the Attorney-General alludes to and would preclude the scenario and supposition that Mr. Penner lays out that a Premier would agree to something in Ottawa at a federal conference and then have the Legislature abrogated by bell ringing or by refusal. If anything, I think this exercise has taught us and, more importantly, brought to the awareness of many many Manitobans, is that Manitobans feel and I don't hold out that it should be, as obviously was discussed by means of referenda, but that constitutional changes are of such import that they require to be dealt with differently. I see no conflict in arriving at a way of ensuring that constitutional changes carry the support of the people of Manitoba as expressed not simply by a simple majority of any particular government but by a substantial number, a larger number, two-thirds perhaps might be the number, of the Legislature as it's composed of at any given time. That, Mr. Chairman, was what encouraged the opposition to take the position that it did, knowing that that was being understood by the people of Manitoba.

Now, you know the suggestion was made - the suggestion was made by Mr. Sherman at the last meeting - that some such recognition and we feel that very strongly. We feel that very strongly from those people that we believe we are speaking for. They would not want us in any way to diminish the opportunity of an opposition to stop constitutional change that is believed by the opposition to be in the interests of Manitoba. Failing any recognition on the part of the government to take those considerations into mind, we could not and would not agree or want to associate ourselves with the motion now before us.

HON. R. PENNER: Just very briefly - I don't think any of us really want to rag this - there could be little doubt, there is little doubt in my mind, I respectfully submit that an act of this Legislature saying that any approval of a constitutional resolution before this and other Houses of the Legislatures of the provinces requires a two-thirds vote of the Legislature would be illegal. It would, in effect, be an amendment, an attempt at a unilateral amendment of the Constitution and that simply can't be done. It simply can't be done. There's just no way in which it can be done. It's prima facie invalid to do that because it simply talks of a resolution of the Legislative Assemblies and it doesn't talk about a resolution of the Legislative Assemblies passed by a two-thirds vote of those Assemblies. If that's what the Constitution makers, including the Honourable Sterling Lyon, had wanted, that's what you would have in the document, so it's not a supportable proposition.

I think the key perhaps to where we are in difference is the phrase used, and not inadvertently by Mr. Enns, that he wants to preserve the right of the opposition to stop the Legislature being able to vote on a constitutional resolution. That's the issue and leaving aside constitutional niceties and constitutional law, that composition is one which we could not accept, because in our view it runs afoul of basic notions of parliamentary government.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: Thank you, Mr. Chairman.

What the Opposition House Leader has just offered to us - not offered to us, but I guess set up as a challenge to what is being proposed in this rules change, and he argues, I think, against himself when he states that the approval of the Legislature. What he is wanting to do is to deny a Legislature the mechanism to be able to approve a resolution towards a constitutional amendment. He's asking for a form of provincial supremacy in this nation which even goes beyond provincial supremacy, and yet it's opposition supremacy within one province of this country and would in effect lead to the potential hog-tying of a whole nation by a stubborn opposition group in one province of this country. That is just way beyond any concept of any civilized nation of what one can have today. Certainly a Legislature must be allowed to approve or reject. By the continuous proposal to let the status quo rest, what you are stating is that the Legislature cannot decide, if an opposition so desires that the will of the government cannot proceed, or the will of Legislature itself cannot proceed.

I would like to refer you, if I could, to Madam Speaker Sauve's comments after the bell ringing episode in Ottawa. It's on Page 15,556 of the Commons Debates attached, where she says "If the last 10 days have taught us anything, it is that we must review our parliamentary procedure." Further down the page she says "I question whether it is the will of the House that such a precedent should become enshrined in our practices. The rules by implication assume that the procedure of voting will be completed when the members are called in. Today we all know that the procedure must be spelled out more clearly since the House cannot function satisfactorily while debate may be interrupted indefinitely by any of the parties."

Mr. Chairman, I think if that is sufficiently said and I would hope in speaking in favour of this motion that we would proceed to a vote.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Thank you.

Mr. Chairman, before I make my comments I wonder if I could just ask Mr. Anstett, for my edification, to repeat his proposed amendment to the proposed rule change that is in front of us at the present time just to satisfy myself that there is nothing substantive in what he suggested.

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Thank you, Mr. Chairman.

Insert the three words "not more than" in front of the words 15 minutes so it would read "Not more than 15 minutes after directing that the members be called in, the Speaker shall order that the division bells be turned off."

The intent of that clearly is to provide that if the Whips determine that they're ready for the vote in 2 minutes, 8 minutes, or 12 minutes, whatever, that they can give that signal and the vote can be taken immediately.

MR. L. SHERMAN: Thank you, Mr. Chairman, and through you, thank you to Mr. Anstett.

Well, Mr. Chairman, I'm not going to burden the committee with a repetition or anything even resembling a repetition of what it was that I attempted to say on this subject the last time the Rules Committee met, which I believe was March 22, 1984. My comments are on the record and all those who wish to reacquaint themselves with those comments certainly can do so. Those comments remain as stated, and I haven't altered my opinion on that subject in any way.

I do want to just take a minute or two now though to support the position that my House Leader has taken at the present time in opposition to the proposal in front of us from the government, and also to register a couple of arguments of objection of my own to this proposal.

First of all, Sir, I would like to refer all members to the typed copy of the Rules Committee meeting of Tuesday, September 21, 1982, which is in the material that was supplied to us attached to the material on this particular item. It was Page 42 of a transcript that has been read into the record. I note that at that point in time nobody had any difficulties with this question of the ringing of division bells. Obviously, and I think unarguably, the reason that we're confronted with it at the present time is because of the incidents and episodes of the past year. But it seems to me that given the kinds of things that Mr. Anstett, Mr. Fox, and many of us observed and noted on the record on the 21st of December 1982 to the effect that this was not a problem, and had not been a problem, it seems that a rather extreme reaction is being taken and being proposed by the government at the present time to a situation that was unique in Manitoba's history, a situation that developed during the past year and was unquestionably unique, may not duplicate itself or repeat itself again at anytime in the future. Who is to say? Why should there be such an extreme reaction to a situation that came up in a convulsive and traumatic way for the first time in the experience of anyone around this table and I suggest for the first time in the experience of anyone connected with the Manitoba Legislature throughout its history?

Further to that, Sir, let me say that the proposed new rule offered by the Government House Leader, the Honourable Mr. Anstett, seems to me to be completely draconian in the limitations that it proposes. One of the values for the process that flows from the bell ringing, whether or not that is intended to call in the members - whether or not it's intented essentially to call in the members, one of the values that flows from it is that the Opposition Caucus, or opposition members in the House, have an opportunity to caucus situations that are fluid and flexible and can change momentarily during the course of the day's proceedings in the House. Another one is that it provides an opportunity for the public, through the media, to be made aware of the ramifications of an issue that is before the House.

Time and time again we have seen situations where, operating in the relative antiseptic vacuum of the Legislature itself, issues have not been fully understood, fully comprehended, in the general public for some considerable time because of the nature of debate, because of the particular perspectives brought to debate by government and opposition politicians, who were professional politicians, and because of the normal inconsistencies that occur in media reporting. There are oftimes complexities, ramifications, general natures of subjects of debate that do not get through to the general public for a considerable period of time.

One of the values, as I see it, of the process and the procedure that we have in this Legislature is that the opportunity to ring the bells and to caucus an issue, yes, for a day, yes, for a night, yes, for a week if need be, to get the message across through the media to the public in the same way that our Law Amendments Committee, that tradition, permits representations to be made on virtually every piece of legislation that comes before this Legislature from the general public, and through that we have here in Manitoba a system and an institution that is unique in Canada, unique in the parliamentary system, admired by many jurisdictions.

So, I say, Sir, that our freedom and flexibility to debate these issues, to hold up a government until the public is made aware of what it is the government is trying to do is a very valuable and unique institution and one that, I think, is probably admired and probably envied by many other jurisdictions. So I think we have to be extremely careful before we damage those protections — (Interjection) — Well, the Government House Leader says that I should check that statement. I want to assure him that I've had many wide-ranging discussions with many persons in many jurisdictions of Canada on the history of the episode that occurred here in the past year, as he has, and I think I can make that statement with some considerable validity that our ability here to protect basic individual freedoms and to permit the public to speak up is widely envied across this country.

The two reflections of it, two institutions that embody that and reflect it are (1) the Law Amendments Committee process which permits public representation to be made, and (2) the fact that we have no limitation on whatever technique it is - in this case bell ringing - that forces a government to be accountable and to be answerable for what it is trying to do.

So, I want to support my House Leader in suggesting to you, Sir, that our caucus would not, I think - I can't speak for the full caucus at this juncture, we would want to take it back to our caucus - but our caucus would not, I think, support this kind of draconian limitation going from what has been an example of parliamentary democratic freedom to a 15-minute limitation. That doesn't even give an opposition time to caucus its position on a situation that may have suddenly arisen during the procedures of the day.

Now members opposite will say, well, there's a caveat in there that says the Government House Leader, the Government Whip and the Official Opposition Whip and the Speaker can get together, Sir, to extend that period of time, but I suggest to you that there's a further caveat on that and it's noted right in paragraph 10.(4), that that kind of extension would be for the exclusive purpose of permitting absent members who may be able to arrive at the Legislative Assembly within a reasonable length of time. That is not good enough. That is not good enough when a message has to get through to the public and when a party caucus in this House has to have time to caucus a controversial issue.

So, I want to voice my strenuous opposition to this proposal, Sir. Something reasonable I think would be given our consideration, something reasonable in terms of days or perhaps even in terms of hours, but 15 minutes, Sir, is totally unreasonable.

MR. H. GRAHAM: I was somewhat disturbed by the last statement of the Honourable Member for Inkster, when he suggested that we have a vote on this, Mr. Chairman. I know that he's been in this House now for three years and other members have had more experience. I know the Honourable Member for Kildonan and yourself, Mr. Chairman, can recall previous Rules meetings, and I would ask the Clerk if we could have the Hansards of Rules Committee meetings of probably 1978 and 1979, where there was, at that time, an attempt to vote on rule changes and the dangers that occurred at that particular time. I would like to refer to that situation for the benefit of members that were not present at that time.

At that time there was an attempt by some members who wanted to have a rule change and they tried to do it by vote and it didn't work out. We did come back and change it and realized the value arriving at consensus on any rule changes. So I ask members to go back and read the Hansards of those Rules Committee meetings and you will understand then the value of trying to arrive at a consensus on a rule change, and if you can't arrive at a consensus, then it is probably better to leave it for a subsequent time, until a little more time has transpired, to give people time for sombre reflection on what they are trying to do.

One of the important things that we must remember is we have a tendency, I think, as members, to consider what we want to do as members rather than acting in the interests of the people of Manitoba. The rules govern this House and succeeding members will have to abide by those rules, so we have to be very careful of what we do now, because the ability to change rules up to now has been by consensus and unless there is a consensus of succeeding memberships, those rule changes will be rather difficult to be obtainable.

So, I want to deal only with that issue. If we are going to have a vote, I caution all members and plead with them not to proceed by way of vote in the attempt at trying to change the rules in this Assembly.

HON. R. PENNER: Mr. Chairman, with respect to the last comments by Mr. Graham, I think we would all agree that consensus is a marvellous thing and ought to be aimed for in any circumstance. It ought to be aimed for with respect to legislation. The more legislation you can put through the House by way of consensus, the better, because then it has a higher mandate.

Ultimately, of course, after struggling to reach consensus you may arrive at a point where no consensus is possible. That then is a matter of some regret, but a decision must be made. We are elected to make decisions so that the province can be governed and that of course is no different than the way in which the democratic process works elsewhere. So, too, with respect to rules, I think that one tries a little harder and ought to try a little harder to take whatever time may be necessary to arrive at a consensus, but if no consensus is possible, then a decision must be made by the normal decision-making processes.

It has been said by the opposition that they can't support a rule change that doesn't take place within the context of some special provision with respect to constitutional resolutions. That was very clear. There was no obfuscation, that was very direct, it was on the table, and I thank the Member for Lakeside for his frankness.

Equally we have been frank. We have said that there is no way that we can support a special provision in terms of bell ringing with respect to constitutional resolutions. Unhappily there is no consensus. Unhappily it is clear there can be no consensus. Then there must be a decision and these decisions will be made on . . .

MR. H. ENNS: The proper decision is then not to make a decision.

HON. R. PENNER: Well no, that of course is a rejection of responsibility.

I want to deal very briefly, I hope not to intervene again, with the remarks made by the Member for Fort Garry which I find absolutely astonishing. I think that they ought to be put in the quote of the day. What he has said is that the way to bring matters to the attention of the public in a parliamentary democracy is by bell ringing, you know, bell ringing is so you can ask for whom the bells don't toll. Bell ringings are for laboratories where you have Pavlovian dogs. Bell ringing, whatever else it may serve in the parliamentary context, is not there for bringing the concerns of the opposition to the attention of the public.

Debate is the way in which the concerns of an opposition are brought to the public. You cannot substitute bell ringing for debate. I mean that is the death of intellectual concepts. That's the death of rationality. That's the death of intelligence.

Here the Member for Fort Garry who is often paraded as the intellectual gem of the opposition says that the bell ringing is the way in which you bring concerns to the attention of the public. He has presumed a scenario

which is not an accurate scenario, namely, that a bill is introduced for debate on second reading and immediately there is a vote. Therefore because the opposition hasn't been able to deal with the issue they ring the bells. That's not what happens. That's indeed the opposite of what happened during the course of the last several months where every one of the 23 members of the opposition, plus one or two others, spoke again and again and again. Variations on a theme but expressing their individual concerns, getting themselves on the record, whatever. It wasn't through bell ringing that they brought their concerns to the attention of the public, it was through debate.

That's what parliament is all about. A governing party is elected, an opposition is elected. Matters are brought to the floor of the Legislature which must be brought to the attention of the Legislature and they are debated. I really am so astonished that this Member for Fort Garry, who now aspires to sit in the House of Commons, is going to carry the notion of bell ringing as the way in which you bring your ideas to the attention of the public. — (Interjection) — That is not the way in which you bring - nor is this kind of heckling an appropriate way to bring one's ideas to the attention of the public.

The Member for Fort Garry introduced his ideas. I listened and I am saying that those are ideas which I cannot accept, and I don't think that any thinking person can accept.

MR. L. SHERMAN: With your usual syllogistic distortion of them, yes. If you want to get away with that kind of distortion . . .

MR. CHAIRMAN: Order please.

I'll put you back on the speakers' list again if you wish, Mr. Sherman.

Are you finished?

Mr. Anstett.

HON. A. ANSTETT: Just a few points in reply to some of the speakers on the proposed motion, Mr. Chairman.

I think it should be clear, I think Mr. Penner's dealt with the question of special provision for constitutional changes more than adequately but I think just to ensure that it's clearly on the record, the question of two-thirds votes for appointments is not a statutory provision or a provision under our rules in this province. There are statutory provisions only with regard to the removal of four officials who are officers of the Assembly, or servants of the House, such as the Chief Electoral Officer, the Ombudsman, the Provincial Auditor, and the Civil Service Commissioners.

So there is no such positive appointment power that requires a two-thirds majority. Every decision made by the Assembly is by simple majority, and as Mr. Penner points out, is provided for in Section 41 of our Canadian Constitution.

I was pleased, however, to note, Mr. Enns' disclaimer to any notion of referenda with regard to matters of that sort. In view of some of the things that have been said recently I think that disclaimer is an important one and I'll certainly note that in the transcript.

Mr. Sherman's concern that there isn't a problem is perhaps best highlighted by an examination of what's happened in the House of Commons in the last 25 months. Certainly the comments of members on both sides of the committee, in September 1982, was predicated on the assumption and assurance that it was the intent of neither side to abuse the rules with regard to the opportunities for unlimited bell ringing. Clearly, no matter how one constructs what has occurred in Manitoba in last eight or nine months, and even if one does not want to use the words that were used in Mr. Speaker's ruling which cited abuse, one can certainly say that those rules were used for purposes, or the absence of the rule was used if not for abuse, certainly for purposes for which it was never intended, purposes of obstruction. I have called that abuse, and I certainly think it was but if there's a notion not to call it such certainly saying that it is a problem with which our rules do not deal is not something I would think Mr. Sherman would quarrel.

I would quarrel a great deal with the suggestion from him, and I've consulted with, I guess now, a majority of Opposition and Government House Leaders across Canada that the situation in which the Manitoba Legislature found itself at its last Session was something that is widely envied. Mr. Chairman, I suggest that just the opposite was the case, and I suggest to you that it was not the political stripe of the individuals because there aren't too many official opposition, or official Government House Leaders in Canada who have the same political stripe as members on this side of the table have. In fact, the vast majority of those were members of the same persuasion as members opposite and their attitude to what happened in the Manitoba Legislature in the last eight or nine months, with regard to bell ringing was exactly the opposite of what the member suggests it was. I think he knows that all of that opinion is shared by people occupying those positions in the House of Commons on both sides of the House as well. So let's be blunt about where we're at here. We're trying to resolve a problem which we didn't recognize some years ago but which clearly has been brought to our attention as forcefully as a problem can.

Mr. Penner dealt with the concept of giving a message to the public via the bells. I would only point out that there are only two motions which I'm aware that are non-debatable, an adjournment motion, and a motion to appeal a ruling of the Speaker. Well, I would expect since adjournment motions, other than at normal adjournment hour, are moved by the opposition they would know how they want to vote on the motion and don't need more than 15 minutes to caucus it, and certainly Speaker's rulings are often given after some consideration, and usually on matters raised by opposition members so in that case they would have some anticipation of the the possibilities of the ruling and an opportunity then to have decided in advance how they wish to respond. But certainly the suggestion that 15 minutes is too short is out of line with practice in virtually all other jurisdictions that have set limits because in most cases those are less than 15 minutes.

The real problem I guess we have, I didn't really expect to get into a debate on the merits of either making the change in terms of dealing with it in Rules Committee here or in the merits of whether or not the problem had to be addressed at all. But let's be blunt. Mr. Chairman, what we're really dealing with here is a pretext of opposition to a rules change and I understand

the opposition's position. Let's be honest. The opposition would just as soon not be government some day . . .

MR. H. ENNS: Forget being honest, just continue being blunt.

HON. A. ANSTETT: Let's be both blunt, frank, honest and earnest. The opposition would just as soon not be government. They might be government some time in the next 20 years in this province. I'm willing to concede at least that and have the unlimited bell-ringing provision in the rules. They want it changed. You can be darn sure they want it changed and they don't want - and certainly I wouldn't want if I were in opposition - to be in the position where those interest groups in our society, regardless of what names they go under - but let's just refer to them as the rank and file or grassroots of the various interests of our society - saw an official opposition as having the power to block government absolutely. Because once that power is perceived it will be used, because an opposition can be held hostage by its own public.

Mr. Chairman, we are doing members opposite a favour and I think they protest too much. We're letting them off the hook of those who hold them captive, of those whom they must serve and represent, of those who believe that on other issues, regardless of what they might be during the number of terms and Sessions that are left for them to be an opposition, that there will be issues they will face and those interests will demand that they block the legislation, that they block the estimate, that they block the budget provision for the tax bill. Those will be the demands and they have told those people they have that power, and once having told them the power is there they will be forced to use it.

Mr. Chairman, we, in opposition, at some time in the next 20 years would be in the same conundrum, so we're also doing this out of self-interest, not that we expect to need it soon, but out of self-interest nonetheless. But, Mr. Chairman, in today's terms this motion is an attempt to get the government off the hook for the future, but to get the opposition off the hook in the present. Because it's an opposition that can use this tool for the purpose to which it has been used, and only an opposition, and that puts the opposition in an untenable position. It makes it potentially the captive of special interests. I am putting this bluntly because that's what it comes down to and I think opposition members deep down inside know that. So I say to them, if you wish to protest, do so, because I understand the position in which you now find yourselves. Having used a tool you must now protest its removal. But don't hamstring yourselves at that future date when you are in government and don't allow yourselves to be held captive by special interests for that lengthy period you'll remain in opposition.

Mr. Graham suggests that up till now there has been a consensus on rules changes. Well, perhaps Mr. Graham's recitation of the length of time some members have been here didn't go back far enough. I remind him of the unilateral actions taken by one Sterling Lyon during the '60s to change rules often without prior consultation and by snap votes at Rules Committee meetings which two opposition House Leaders were not even aware of before they arrived at the meeting - rules changes mandated in effect by the Government House Leader of the Day who was then also Attorney-General and the Honourable Member for Lakeside knows whereof I speak. So the suggestion that quote "up till now rules change has been by consensus" is a suggestion that is a statement for the last 15 years, but certainly not an accurate reflection of what happened in Rules Committee prior to that.

The other thing that I think is worth pointing out, and Mr. Penner touched on it, is that there are going to be times when votes are necessary both in the House and in committee and especially in this committee, because the situation with which the Legislature was faced in the last Session dealt with the very essence of decision-making. And if this committee refuses to make a decision on this matter, it will leave the Legislature potentially hamstrung for as long as oppositions - and I don't name only the current opposition - are willing to allow themselves to become captives of special interests regardless of what the issue is. If we do not deal with the right of the Legislature to make decisions, then we're abdicating a responsibility here.

So I reject the notion that this committee shouldn't make a decision. I think that decision is absolutely essential if the Legislature is to function and the demonstration of that is the fact that most other Legislatures in the country who do have not have rules in place have been dealing with exactly this same question and dealing with it with some sense of urgency and I think we should do the same.

MR. D. SCOTT: Following up on a criticism of my call for a vote and reaching back to some of Mr. Sherman's comments as well I suppose we're dealing here with this notion that they are still putting forward to us and to this committee today that the idea of freedom is bells. They said it over and over again in debates in the House. We have had it referred again now, back a while ago at the last meeting it was somewhat referred to not in direct terminology but indirectly, and again today.

I would suggest, as in talking with Gordon Fairweather, a long-time Conservative member of the Legislature of New Brunswick and the Parliament of Canada and presently the commissioner of the Human Rights Commission, after he gave an address here in Winnipeg in which he talked about the Orwellian newspeak of ignorance is strength, slavery is freedom. I went up afterwards and asked him, would freedom as bells go along with that? It quite shocked him that anyone would even use that kind of terminology within our parliamentary system, to say the very least.

I would have hoped that we could have had a consensus on this. It is my desire to have a consensus, but I feel that is apparently and quite obviously a lack of a willingness to have a consensus on the issue. We've had consultations. This isn't a snap thing that comes before the committee today. We have been dealing with it since the last Session. The Opposition House Leader has even gone to other provinces in B.C. and Alberta in particular with our House Leader to talk with their House Leaders and parliamentarians and Clerks in other

Legislatures of this country to have a look at what is happening in other Canadian jurisdictions. We have a summary in the Clerk's Office and the Speaker's Office giving us what the limits are in other Canadian jurisdictions in regard to the bells. We see that virturally everywhere else there is some kind of a limit on the bells and provisions on the bells.

The proposal we have here today with 10.(4) makes ours far more liberal, I would suggest, than most of the other Legislatures are. It restricts the judgment which the Speaker would then use towards delaying, exclusively to the purpose of permitting absent members to arrive at the Legislature for the ringing of bells is to call members in, not send members away. In the proposal if someone is out of town, if a couple of members are out of town, in consultation with the Whips, the Speaker may then give them a reasonable length of time to return. And probably I would suggest it would likely be within 24 hours at probably the outside because people can get from anywhere in this country back home within 24 hours.

We had calls from outside, parliamentarians across the country. I listened to Premier Hatfield at one stage, being very afraid that the idea of allowing bells to ring unlimitedly would be a very bad precedent for other jurisdictions in Canada and hoped it would not be seen as a precedent for other jurisdictions in this country. But we have it as a precedent here now. There is a precedent here and that addresses it and changes the situation which we are dealing with as legislators far more than ever has been before and you can't go back and refer to 1982, or to 1970 when there was no precedent, where there was no previous problem that was addressed by letting the bells ring indefinitely. That is what we've had today so the situation is totally changed from what it was in 1982, or 1971, for we do have a precedent by a Speaker's Ruling.

If this committee so wishes to decide that ruling shall not be accepted as a ruling within the Legislature then that is the one question as well perhaps that could be put forward but in the meantime we have as well the necessity to amend our rules as the House of Commons did when it was faced with a similar situation when they had less bell ringing than we had here in this province and they luckily, through a consensus because there was a willingness on behalf of all parties present in the federal House of Commons to see the parliamentary process operate, and operate effectively, and to let parliament and democracy flourish.

We have had next to no proposals by the opposition. The only one they have come up with and has been pointed out by the Attorney-General would likely be anti-constitutional in the first instance, and it is not this Legislature's power or this committee's authority or responsibility. I think we would be bridging our responsibilities drastically for us to be recommending to the Legislature a proposal and a rules change which is anti-constitutional as far as the whole country goes. That to me is unthinkable.

In the last meeting, Mr. Sherman, in reference to the role of the Legislature said that we are here to debate, debate, and debate. That means protect, protect, protect. Well I would agree with that. We have here to debate, debate, debate. By putting in limits on bells we will be doing a little bit more debating and a little less waiting around for someone to come back into the Legislature because they've, excuse the expression, but buggered off and refused to return to the Legislature itself.

For to the lack of consensus we may be faced with having to have a vote here today, I would hope we do not have to have it but I think we also have to look at why the opposition perhaps does not want to have a vote and to have the thing decided, or wants to have a vote in fact so that they can say that they were right back last winter when they rang bells. For them to agree with the government that this rules change is necessary would be in effect saying - yes, we were wrong, the bells should not be used as we use them. So they're perhaps boxed into a position where they feel that they have to disagree with us on this proposal for the fact of posturing. I think that is perhaps indicative but it is perhaps an honest reflection on being honest and maybe a bit too frank in here but I think that is an honest appraisal of the situation that we have here now.

If that is, in fact, true, if that does have credibility, that argument of the opposition's inability to agree with this rules change for the sake of being embarrassed from their position previously in that it is countering totally their position previously and their declarations of freedom, are bells, or freedom is bells then we cannot in any - and we're wasting our time here if we feel that we can gain a consensus on this issue without having a vote. There certainly are precedents in the past where votes have been used in most draconian measures of bringing them in unannounced in the '60's as our present House Leader has just indicated to this committee. What we have tried here is something quite alternate, it's quite different from that. We have given lots of notice of it. We've had discussions. We've gone across sections of the country trying to build a consensus. It is apparent that the opposition is unwilling to grant that consensus even they do believe, I believe, in their heart of hearts that this is a proper move.

Thank you, Mr. Chairman.

MR. L. SHERMAN: Mr. Scott used the terms of Orwellian and doublespeak, and I would suggest that perhaps he should look to his own colleague, the Attorney-General, who I hope will not leave at the moment because I wish to respond to some of the things that he has introduced into this. — (Interjection) — Well, Mr. Chairman, then I'll wait until Mr. Penner returns. I wish to address some of the distortions that he introduced into this discussion. He has now seen fit to leave the Committee Room so I'll wait until he returns to make my comments vis-a-vis the remarks that he made. But I just repeat that perhaps Mr. Scott had better look to his own colleague, Mr. Penner, when it comes to doublespeak because we're getting a classic example of that from the pilot of this original proposal who was not going to see a jot or a tittle of that proposal changed. Mr. Chairman, I want to reserve my right to speak for the proper opportunity when Mr. Penner returns to the committee.

Thank you.

MR. CHAIRMAN: I have other members on the list. I'll call you a little later, Mr. Sherman.

Mr. Santos.

MR. C. SANTOS: Thank you, Mr. Chairman.

The records that were read by the Leader of the Opposition are correct at that point in time because at that point in time there has been no kind of crisis that had arisen yet and so there was no problem. But a change in the circumstances certainly will induce a change in the rules as well and unless the rules can cope with these changes the rule will be outdated. So it is no argument to decide that there was no problem in the past, since there's no problem in the past there will be no problem in the future because that presupposes there will be no changes in the circumstances.

The argument that not making a decision because of the absence of consensus as is the tradition in the Rules Committee, therefore if we don't make any decision there will be a hamstringing of the decision-making machinery is not correct because although it is in the guise of not making a decision, the barrier of not making a decision is itself a decision. There is something in there. I repeat, the decision not to make a decision is itself a decision so it's not correct to say there will be no decision. There will be a decision. It is a decision not to make a decision.

As regards the constitutional formula all across the country in Canada as regards the constitutional change of our national constitution, although it proclaims that there shall be concurrent resolutions of the provincial Legislature as well as the federal House in Ottawa, I don't think the formulas specify what kind of a vote will be needed in the provincial Legislatures. If it does not, to my mind it is up to the Provincial Government as a partner in that federal system to lay down its own procedure in arriving at its own resolution to concur. If any unit in the federal system feels that a constitutional change is of such magnitude that it affects not only the Legislature but also the very fabric of the province, any particular Provincial Government in the federal system may deem it wise to change the vote required from a simply majority to a higher majority. That is entirely, to my mind, prerogative of the provincial government that is being affected by any kind of constitutional change.

I would very much like to adhere to the tradition that there be a consensus if consensus is at all possible, and I hope there will be a consensus.

Thank you.

MR. CHAIRMAN: Mr. Fox.

MR. P. FOX: Thank you, Mr. Chairman.

Much has been said on both sides and apparently there's a desire that we have a consensus. I can concur with that, but I believe that if there is no consensus, we have to make decisions, we have to come to terms with what is confronting us, and what is confronting us is decision-making. We keep talking around it saying we can make decisions, but we must have other solutions for particular situations.

I believe that if we are going to try to create exclusions at the same time that we make decisions, we are not arriving at decisions. We are just trying to circumvent what is a regular, normal, democratic process. That's precisely what has happened, that what we used to believe in, we don't believe in anymore, that the majority should be able to make a decision. We just deny that specifically when we say that, no, the minority should have the whip hand. Now that's not democratic and that's what the members of the opposition are not prepared to face at this particular moment. They may want to face it some other time, and they may regret that they will have to face it at that other time should they ever become government, because there is just no way that a democratic process can function without the majority making a decision. Yes, they should listen to others, and should listen to minority views, but a decision-making process has to be established. That's what the bell ringing created, that it made the decision-making process null and void.

There can be no exclusions. If you have to make a decision, decisions have to be made for all issues. There is just no exclusion for whatever reaon, basically, because there is no guarantee that there will ever be a two-thirds, five-eighths, or nine-tenths majority. The democratic process doesn't give you that guarantee, so therefore you cannot put special conditions on any particular special issue for decision-making.

If we believe in the democratic process, then the majority must be able to make decisions. Yes, they should have opportunity to be delayed, to be debated, and everything else that parliamentary process gives us opportunity to do, but a decision has to be made.

The Honourable Opposition House Leader was quoted, and I'm going to try to paraphrase as close as I can, that he would not have had the bells ringing. Well, let's hear from him what he would substitute if he has something; if not, then let's make a decision.

MR. L. SHERMAN: I just wanted to deal with some of the remarks of Mr. Penner of a few moments ago. As I said a minute or two ago, if Mr. Scott is interested in looking for Orwellian doublespeak, he needs look not very much further than Mr. Penner. You know, Mr. Penner talks about debate being the way to inform the public. He takes great umbrage and exception to my reference to the fact that among the mechanisms - among the mechanisms - which make it possible when it has to be done, to inform the public or make sure that a message gets through to the public - there are some in this jurisdiction of ours, this Manitoba legislation institution of ours, which are not contained within other jurisdictions and which are the envy of some of them - and that certainly bell ringing has demonstrated that it has provided an opportunity to get a message through to the public where it wasn't possible before.

He has chosen, with his very clever usual sophistry and his use of the false syllogism to distort that, which is typical of his tactics, Mr. Chairman, and I'm not going to permit those tactics to go unchallenged in this situation, because here was the classic bureaucrat, Sir, who was going to impose on the people of Manitoba a resolution in which not one jot nor tittle would be changed, in which certainly we could go through the formality of some sort of rhetoric in terms of addressing it in the House, but it was not going to be heard by the public, it was not going to be put to public examination, and not one jot or tittle would be changed. Furthermore, the whole thing had to be wrapped up, signed, sealed and delivered by December 31st, 1983, or the world was going to fall apart.

There, Sir, is the mechanistic bureaucrat who now preaches to me, through you, at this committee about the value of public debate as being the way to generate public awareness and to tell people what is going on. When you're faced with that kind of approach to democracy, Sir, which is the approach of the Honourable Member for Fort Rouge, which doesn't take people into very wide account, when you're faced with that kind of an approach to democracy, perhaps you need bell ringing. In fact, it was very clearly demonstrated in the past ten months in this province that we did.

Further to that, Sir, if he will be honest with himself, he'll admit that closure was invoked time and time again, day after day on that debate, so what debate could take place? What debate could there be? You know, Mr. Penner, glibly sits there and puts me down for mentioning the fact that here was a mechanism which made it possible to get awareness through to the public, and argues that the way to do it is through debate, and he was part of a government, and a colleague of a Government House Leader, who consistently invoked Rule 37 so that we couldn't debate the proposed amendment that he had brought in to the original resolution.

There was also closure moved on the legislation, the proposed Bill 115. Yes, there was closure invoked on Bill 115.

MR. H. ENNS: Yes, and it was used indiscriminately.

MR. L. SHERMAN: So, there was a few hours of debate only on Bill 115, and no debate permitted on the amendment introduced by the Honourable Member for Springfield, the Government House Leader, to the original proposal of the government's.

So, Sir, I can't resist the opportunity to respond to Mr. Penner's mechanistic assertion about the value of public debate. He doesn't believe in public debate, he wasn't going to permit any public debate.

Further to that, could he deny that the incident in Ottawa which involved some two to three weeks of bell ringing finally made it possible to get awareness through to the public of the draconian nature of the omnibus legislation that had been proposed by the Federal Government of that time? Finally, the omnibus nature of that legislation and the heavy-handed aspect of that omnibus legislation was brought home to the public in a way that the media and the public could finally understand. So I don't retract one step from my suggestion that faced with authoritarian government, faced with a government that is going to act despite the wishes of the people, that all civilized mechanisms in defence of democracy and in defence of the public are legitimate.

Now what we had here, Sir, was a government that was acting to amend the Constitution against the wishes of the people. Mr. Scott has said that nearly everywhere else there's a limit on the ringing of the bells. Fine, but where else is there a government that has attempted a constitutional amendment over the objections of the people? All we're asking is that we look at this situation in the context of a very unique problem which was confronting the people of Manitoba, and in those circumstances a 15-minute delay is not acceptable.

I would conclude, Sir, by suggesting that I think that some kind of limitation probably would be given consideration by our caucus. I can't speak for the whole caucus when I make that remark, but I suggest that it probably would be given consideration by the caucus, but to talk in terms of 15 minutes after the experience of the past year is just simply not reasonable. What if we were confronted with another attempt, authoritatively, arbitrarily, unilaterally to amend the Constitution? Do you mean to tell me, Sir, that it would be fair that there would be only 15 minutes given to the caucus and the media and the public to consider that?

MR. CHAIRMAN: Order please.

MR. L. SHERMAN: That's absolutely unthinkable. The people of Manitoba wouldn't buy it. After the convulsive episode that we've gone through in the past year, the people of Manitoba wouldn't buy it. So, Mr. Penner and his colleagues can talk all they want about debate. They were the ones who were going to prohibit debate. By using the only mechanism we had at our disposal, we made it possible for the public and the media to participate in the debate, and that is what prevented the government from riding roughshod over the wishes of the people.

All we're asking here in any proposed new rule that comes before us is that that factor, the right of the public to know, be protected and it will not be protected under this government if it continues to act the way it has attempted to act in the past year. In those circumstances, a 15-minute limitation, Sir, will not be acceptable to our caucus. Members opposite might as well know that right now before we move any further on it.

MR. H. ENNS: Mr. Chairman, I may be prepared to acknowledge some honesty in the bluntness of some of the proposals of the Honourable Government House Leader, however my job is to, of course, present my own views as a member of this committee, but then also to try to put forward, as best I can, the concerns that members of our caucus have with respect to any consideration of important rule changes. I'm disappointed that we're having so much difficulty in getting honourable members opposite to understand that the concern that we keep raising is a sincere one and a legitimate one as far as the members of the opposition are concerned.

Just to reiterate what my colleague Mr. Sherman just said, we have every reason to be concerned when one views the actions taken by this government that brings us precisely to this committee discussing this rule change. The truth of the matter is we are dealing with new circumstances. We have not had an amending formula before us that we have a great deal of experience with in terms of provinces. I must indicate to honourable members opposite that the tying together of some consideration of a rule change in this respect with a - what I prefer to call - a more acceptable and responsible manner in a way in which future and proposed constitutional changes go forward from this province are real.

I would like to, in the less formal setting of this committee, be able to try to go through once more with the Attorney-General and I, of course, first want

to acknowledge, Mr. Chairman, that I don't speak as any constitutional expert, but, Mr. Chairman, the truth of the matter is that in Canada, as we have in this province, we now have an amending formula as the Attorney-General points out repeatedly in these discussions, an amending formula, by the way, which is very new, one that Canada searched for for 50, 60 years and we now have one. I find it difficult to understand that members opposite are so obtuse and stubborn in not recognizing, even in the amending formula that we now have, which sets out far more stringent measures to effect change - seven First Ministers agreeing, X number of percentage of the population of Canada agreeing - as compared to any other action that we do in Canada in terms of the Federal House we can bring about, in effect, major legislation that affects the economic well-being of this country, introduce the national energy of program, the simple majorities. We can increase or decrease old age pensions. We can introduce Medicare and put on user fees. You can do all those things with ordinary measures of confidence, but in dealing with structural changes to the Constitution, our Constitution sets out a far different course of action that has to be followed.

I find it difficult to hear of the members opposite's unwillingness to entertain and to separate those two issues. I don't believe constitutional amendments affecting Manitoba should leave this province in the first instance, in the First Ministers' Conference that is called to discuss proposed changes, without having gone through a more rigorous and without having sought a broader base support than what a simple majority at any given time provides.

Mr. Chairman, the practice is so common. It is common in the Constitution of the New Democratic Party; it is common to the practice in the Conservative Party; it is practice in many private organizations. If private organizations wish to make structural changes to their constitution, there are all kinds of additional measures that are required that have to be met prior to those changes being made because of the recognition of the importance in making constitutional changes, structural changes to a country, to a company, to an organization. — (Interjection) — That's right, other than the kind of business that we accept as being wholly democratic that involves day-to-day ordinary legislation in this province or day-to-day decisions by private organizations or companies or corporations. I don't understand it.

The unfortunate thing, Mr. Chairman, and this is what leads us to be more adamant on this question than before, that the government has learned absolutely nothing from their past seven, eight months' experience. Surely, Mr. Chairman, had the government sought out and reached a greater consensus on the constitutional proposals that were being put forward last June, modified in September, presented again in January, one would have thought that they would have learned something from that experience.

I think, Mr. Chairman, that this is - I don't wish to be overly harsh on the government - I'm suggesting, as I suggested when I began with it, this is a new set of circumstances that we are facing. And with the ability now to effect changes in our Constitution in Canada, if they affect the whole nation in a fairly stringent way, calling for the co-operation of seven First Ministers or 60 percent of the population base, or if they affect simply one province as they do in this case, the bilateral action of the province and the concurrence of the Federal Government and the Senate.

But nonetheless we can expect and governments in the future can expect, which we didn't have before, demands for constitutional change. These demands could come from very small groups of people. They may be very laudable and they may be very acceptable, but nonetheless they are constitutional change. And I'm suggesting that the process of how that change goes forward, how it ever gets to a First Ministers' Conference table in the first exploratory meetings should be addressed. I'm not suggesting and I'm at odds with the Attorney-General when he says - I'm not at odds in suggesting that when that First Minister then is empowered by his province to sign an Accord, to be part of the constitutional-making, evolutionary changes to a Constitution-making, that then has to come back to the House.

But Mr. Chairman, surely all the more so, if the First Minister is sent down there with the kind of support that I'm talking about, then there is no question about what happens when it comes back. At least the argument, intellectually is as sound, and I'd say democratically sounder than the argument being put forward by the Attorney-General.

Perhaps it's because I basically believe that people do have a far greater role to play in constitutional changes than in the trust that they place in governments from time to time to carry on the everyday affairs of their business, that constitutional changes are different. They are spelled out in all other jurisdictions in a separate way. The ERA fight in the United States that was lodged and continues to be lodged is a demonstration of the requirements to effect a constitutional change in that country, requiring X number of states to have passed it in their Legislatures before it can be talked . . .

HON. A. ANSTETT: By a simple majority.

MR. H. ENNS: That's fine, before it can be - but nonetheless, that doesn't affect the change in the Constitution. It doesn't change the Constitution.

Mr. Chairman, the point that I wish to make is that not only do members of my caucus feel strongly about this question, but we are certainly getting responses from the general public in the same vein, even those who have expressed some concern about the unlimited use of bell ringing that we have experienced in this past little while. There are those who say, yes, we can perhaps accept some reasonable limitation to bell ringing that is applicable to the general operations of the Legislature, but in many instances, and I can show you letters, many letters that are coming in that put that caveat with respect to constitutional change.

The Government House Leader is absolutely right, the general public has been made a great deal more aware of what can and what cannot take place, or what powers an opposition has, or what can be done in the final analysis to prevent something from happening. What they have become even more aware, I suggest to the Honourable House Leader, is a deep concern about consitutional changes that are being proposed

by a government that do not carry the kind of support that the people of Manitoba believe is necessary for those kind of changes. They are very very strong in their advice to us as members of the opposition, that while perhaps some limitation of bell ringing in the normal operation of the House can be entertained, a wary position should be taken with respect to giving up that right when it comes to constitutional matters.

I report to members of the committee that that is a feeling that is strongly held by my caucus and one that will continue to be held.

MR. H. GRAHAM: I've listened with great interest to the remarks of various members, but I, at the same time, had the opportunity, through the courtesy of the Clerk's Office, to review the Hansards of 1980 Rules Committee, where the Rules Committee met on, I believe it was the 25th of February, and at that particular time the Rules Committee adopted a rules change by vote. Within 24 hours they realized the error of their ways and at a subsequent meeting the next day it was agreed to rescind that vote and to proceed by consensus.

The subject matter at that time was dealing with the hours of sitting of the House. They realized the importance of arriving at a consensus. So they came back the next day and changed it so that there finally, by consensus, they agreed to try experimental rule changes, which I think worked for the benefit of the people of Manitoba and their elected representatives.

We also always have to remember that we are trying to effect rules or change rules that affect the people of Manitoba and their elected representatives, not individual members of the Assembly but the general representatives of the people, and those representatives change and governments change from time to time, so the rules affect members who sit in opposition or in government and they affect them equally from time to time. There are members in this committee who have sat on both sides of the House, not once but twice on both sides of the House, and those members I'm sure recognize the changes that we make in our rules have to be done very carefully, because we may move in haste or we may move in frustration and effect rule changes that time will show were very unwise.

So again I ask members to consider very carefully the changes that they are proposing and, as the Honourable Attorney-General stated earlier, we look back at what has happened not to rethrash those debates, but to try and identify the problem.

I had suggested earlier, and I asked members to reconsider the suggestion I made, that the problem may be with our rule on closure, and every member has the right to agree or disagree on that, but I ask you to take a look at it, if there is a willingness on the part of members to seriously review that. Now, the Honourable Government House Leader has said, yes, he thinks there is. He indicated in his speech that he thought that perhaps should be looked at. And if we were to look at that, would it have an effect on the bell ringing? I happen to believe it would, and the problem that is perceived at this time as being a problem of bell ringing would no longer exist.

I happen to be one who believes that the two instances of bell ringing that have been brought to the public attention, the ones of the last Legislature and the ones of the House of Commons of a couple of years ago, both acted in the public interest. The results were very acceptable to the public and eventually were very acceptable to those who were involved at that time. I think we should look very carefully at the House of Commons occurrence and how it affected the Government of the Day, because they did change, after two weeks of bell ringing, there were changes made which they had refused to make before, changes that acted to the betterment of society and the betterment of all of Canada.

So if you remove that ability to improve things, then you are affecting democracy in a way that is detrimental to democracy and not beneficial. So I suggest to you that if you try and impose this proposed rule by union hall tactics, then it will not be to the benefit of mankind and this province.

MR. L. SHERMAN: Mr. Chairman, I wonder if I could ask, through you to Mr. Anstett or to the Clerk, if he could just give us the total picture, the total scenario, in the House of Commons. The list that we're provided with gives us the limitations on, for example, 15 minutes in votes in Supply, Throne Speech, Budget Speech, etc. Well, that's quite different from the 15 minutes that are proposed in Mr. Anstett's proposal. So those are the limitations on bell ringing in certain circumstances in the House of Commons, but what about all other circumstances, like legislation, proposed constitutional amendments, etc.?

HON. A. ANSTETT: Totally unlimited.

MR. L. SHERMAN: Totally unlimited.

HON. A. ANSTETT: They are now considering changes.

MR. L. SHERMAN: Thank you. I appreciate that answer. That was my impression, Mr. Chairman, because recently I know the bells rang down there from 2:00 p.m. to 5:00 p.m. one recent afternoon, and I wanted confirmation from Mr. Anstett on that point. These limitations that we see in front of us are for specific situations and the other situations are not as yet constrained by any limitations. Thank you.

MR. H. GRAHAM: I just have a question of the Chair. Mr. Chairman, we have been provided with transcripts of three pages from House of Commons debates which I'm sure people thought dealt specifically with the problem here. Is it possible for us to get transcripts of the entire debates that occurred on the rule changes on the bell ringing in Ottawa?

It might work to our benefit to be able to thoroughly . . .

HON. A. ANSTETT: They haven't introduced a rules change yet.

HON. R. PENNER: They haven't had a debate.

MR. CHAIRMAN: If there is such a thing, I'm sure that it can be obtained for you.

MR. H. GRAHAM: Very good, thank you.

MR. CHAIRMAN: Others seem to think it has not yet occurred.

Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman. Could I, through you, ask Mr. Anstett whether the government caucus or the Executive Council has considered a proposal that would introduce limitations on bell ringing on various procedural votes without imposing a limitation on all votes and all situations? Has the Executive Council considered that?

HON. A. ANSTETT: Yes, Mr. Chairman, we've considered that as one of the four different options that we discussed at the last Rules Committee meeting and we rejected that proposal, even though we had put it forward as one of the options on the grounds that the difficulty of choosing between procedural, substantive, dilatory motions, would make for a very complex rule, and one that would be difficult to enforce and difficult to administer because substantive measures could then be made more complex by the use of procedural instruments. It was felt that a very simple rule that got around the difficulty we had, but that provided both protection for the opposition and for the government, was the best way to address the issue. And in discussions with House Leaders and Clerks in other jurisdictions, that opinion was confirmed. I reported that to caucus; caucus discussed various proposals; and this is the proposal we make to the committee today.

After we finish discussion on this, I will be raising another issue which ties to this which is the question of a provision for a vote of confidence in a government on defeat on a matter which the government considers to be a matter of confidence. We had talked about that at the last meeting as well, peripherally. I think that's an important question that should be addressed. It's being addressed in a haphazard way in other jurisdictions such as Ottawa, where motions of confidence are put subsequent to defeat on a vote. What in effect we are doing with a rule of this type is taking the chance that that will occur. So we believe that a mechanism for the affirmation or defeat of the government on a specific motion of confidence should also be provided.

MR. H. ENNS: Mr. Chairman, I make a sincere request of the Government House Leader and members opposite that we defer voting on this motion currently before you. I make that request on the basis that whereas we have had a very brief exploratory meeting a week ago on the questions where we had no specific proposals before us, the Government House Leader has now put before us a very specific proposal for the first time. I, and members of the committee with me on this side of the table, have voiced our opinion with respect to the acceptability of the motion. However, I would ask the consideration of the Government House Leader to allow me to take it to our caucus. I respectfully suggest that it may be of some value to be able to take it to caucus without a formal vote having been taken at this Rules Committee inasmuch as we can have, I think, a different kind of a discussion about the proposal at our caucus than we would have if I have to report to caucus along with my members that a formal position has been taken by the Rules Committee on this question.

I sense no pressing urgency about the matter; the matter, of course, still has to come before the House and we are now assembled in the Legislature and calling of the Rules Committee is fairly easily facilitated at this time in the Session. I put that forward to the Government House Leader for consideration, Mr. Chairman.

I might also say that it would be, in dealing with all these rules as the Government House Leader just indicated, he would like to raise another rules change with respect to the calling of votes immediately hereafter, and it would be helpful to us to have that information available to us to take to our caucus in tandem with the rule changes he is currently presenting.

HON. A. ANSTETT: Mr. Chairman, we're certainly agreeable, if opposition members feel that there's some possibility of developing a consensus. As we've said, consensus is desirable and since the committees normally meet Tuesdays and Thursdays and there's no other business suggested for this Thursday — (Interjection) — Thursday morning, yes, I would certainly be quite happy to suggest that the committee meet again Thursday without the question put today. Based on some of the discussion, I would share Mr. Penner's doubts that a consensus is possible, but certainly that would be a desirable objective. If deferring a decision today until Thursday would accommodate that, I would be willing.

With regard to Mr. Graham's request for copies of debates in the House of Commons, Mr. Speaker Francis made a statement on March 30, 1984, it's entitled Ringing of Division Bells, Reflection on Mr. Speaker, and following his statement, Mr. Pinard, Mr. Neilsen and Mr. Blaikie spoke. It runs half-a-dozen pages from Pages 2569 to 2577 of the House of Commons Hansard of March 30th, and I just got a copy yesterday from the library here, but that's the reference - Pages 2569 to 2577 - so there was, although no debate, what there was were statements, following the Speaker's statement, looking to a discussion by their Standing Committee to address the question of the ringing of the bells.

With regard to the other question Mr. Enns raised, we have not had an opportunity to discuss a quick draft of a rule which might address the putting of a confidence motion before the House on the defeat of a government. In consultation with the Clerk, I have a four-item rule which deals with that matter. We have not discussed it in caucus; I do not at this time propose it in this format, but certainly I would suggest that based on the Clerk's advice, the rule might well take a format quite similar to this. I believe the Clerk has a copy of this four point rule that he can provide to members.

Perhaps we can discuss them both then on Thursday.

MR. CHAIRMAN: When you mention Thursday, are you talking about the day after tomorrow?

HON. A. ANSTETT: I'm suggesting that we meet again, Thursday at 10:00 a.m.

MR. CHAIRMAN: The House meets at 10:00 a.m.

HON. A. ANSTETT: Oh, Thursday we're sitting Friday hours.

MR. CHAIRMAN: The afternoon, or the following week?

HON. R. PENNER: Could we make it a week Tuesday?

HON. A. ANSTETT: A week today?

MR. CHAIRMAN: Mr. Graham, you had a point?

MR. H. GRAHAM: No, I just wanted to ask the Government House Leader if it was his intention to have photostats of Speaker Francis' article for the benefit of . . . Thank you.

MR. CHAIRMAN: Before we adjourn, or before we leave this item, I wanted to say something about this proposed rule, 10.(3) and 10.(4). I see 10.(3) as being quite specific. It allows no discretion and no choice to be made there, but when you get down to 10.(4) it immediately puts an area of discretion in and uses that awful word "reasonable." Nobody knows what reasonable means and it can never be defined and is always the subject of some dispute. If the two Whips are to gather with the Speaker to decide what is reasonable, what is a reasonable time, where is it reasonable to return members from, from the city, from anywhere in the province, from Ottawa, from Japan, Europe. What is reasonable? And what is reasonable to one member, if he senses a victory in the division, is not reasonable to the other member. If a difference in the time will change that balance, does that not become reasonable to the other one and unreasonable to the first one? There you are asking the Speaker to make a choice which might well favour one side or the other.

Please give it a bit of thought and I would beg you to take out that discretionary part of it and particularly the word "reasonable."

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I understand your concern in the provision of discretion to the Speaker. That was deliberately provided because there was some doubt as to how one would otherwise determine what length of time was required for the return of members, and there has to be an adjudication.

Do you have a suggestion as to another way? Just taking the word out would cause it to read, "within a length of time to attend the service of the House." That could be months.

MR. CHAIRMAN: What is reasonable? Four days, two hours?

MR. D. SCOTT: It depends on where the member is. If the member's in Swan River, it's a few hours.

MR. CHAIRMAN: Perhaps you should put in there to allow people to come in from somewhere, you know, anywhere in the province, Swan River, the suburbs, or two hours, something definite where it can be extended to.

Mr. Scott.

MR. D. SCOTT: Is what you are saying is that it is unreasonable to expect a Speaker to look at the circumstances where a person is and to assess a reasonable length of time for that person to return to Winnipeg?

MR. L. SHERMAN: Why Japan over Europe, for example, Swan River over . . . ?

HON. R. PENNER: Well, what Mr. Speaker is saying is that there is an element of the subjective in the term "reasonable" and it's true, in any adjudication, those who are called upon to apply the term have to make, in essence, something of a subjective judgment. I think we ought to simply note Mr. Speaker's concern and I don't think we're really going to really arrive at possible options here, but they can be considered between now and next Tuesday.

MR. CHAIRMAN: It's agreed then to come back on Item 2. Do you wish to move to Item 3 on the agenda?

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

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, with regard to Item 3, I think the concern that was raised bore specifically on actions taken in the Standing Committee on Agriculture a year ago this month and I think very clearly that the decisions taken at that time in that committee were at variance with regard to displays in committee, and I think that for purposes of the Rules Committee deliberation, I think all we have to do is note that for future reference for the benefit of all members who may be chairing committees or be on committees in the future. That rule has generally been rigorously enforced in the Assembly and in committees meeting here in the Legislative Building, and I think it's worth noting that the same enforcement of the rules should be applied when the committees are travelling outside the City of Winnipeg. (Agreed)

VOTING PROCEDURES IN COMMITTEE OF SUPPLY

MR. CHAIRMAN: With that agreement, can we move on to Item 4?

HON. A. ANSTETT: I think we may also be able to dispense very quickly with Item 4, but if there is discussion, we can perhaps come back to it.

Mr. Chairman, the suggestion I would make, a fairly straightforward problem we have with regard to the taking of votes in committee, and the concerns as noted in the background paper provided by the Clerk, is that we have a situation where we have at certain times, although the practice I don't believe has been clearly established, allowed a voice vote in a committee, a request for a count-out, followed by a count-out in the committee, followed by a request to assemble the two sections of the committee, followed by a voice vote, followed by a further count-out. At times the count-

out in the committee has been omitted and we've gone straight into the Chamber, or wherever the two sections were meeting if the Chamber had already adjourned.

I would suggest, Mr. Chairman, that the simple way of dealing with the problem we created when we determined that we were not sitting in two Committees of Supply but rather one committee meeting in two sections, is really that official or formal votes should be taken with the sections combined, and that only voice votes should be taken in each section.

If members are agreeable to that, I'm sure the Clerk could draft a rule that would reflect that count-outs, or whatever the proper description of them is, will be taken in the combined sections of the committee, as we do when we hold a vote after 10:00 p.m. We hold it in the combined committee the next day after first going into Committee of Supply. That's when we hold those stacked votes.

We could do the same if there's a vote when we are sitting during normal sitting hours prior to — (Interjection) — well, stacked votes, too. And if that's agreeable, I think a rule to accommodate that could be drafted. I know members on both sides have been in the awkward position sometimes, particularly in evening sittings as to whether or not a vote should take place and whether or not there should be a count-out or exactly what the structure should be. And I think that would be one simple way of addressing it.

MR. H. GRAHAM: Mr. Chairman, my memory recalls that this issue came up before in Rules Committee, and I would like to refresh my memory by re-reading the transcripts of what transpired at that time. I remember Mr. Green was quite vocal on a point or two on it at that time and I can't recall exactly the argument that was put forward at that time.

HON. A. ANSTETT: Mr. Green's argument was that count-outs should not take place in a section, at that time, but the matter was not decided because agreement could not be reached and we were left with the awkward operation of the current rule.

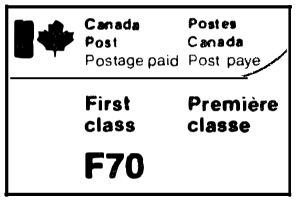
MR. CHAIRMAN: Is that something that you would like to come back to after refreshing your memory?

Mr. Enns.

MR. H. ENNS: I would suggest that we leave No. 4 on for another day.

HON. R. PENNER: Committee rise.

MR. CHAIRMAN: Committee rise.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