



Third Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, March 3, 1997

The House met at 8 p.m.

MATTER OF PRIVILEGE
(continued)

Resignation of Speaker

Madam Speaker: Order, please. The honourable member for Dauphin who has 21 minutes remaining.

Mr. Stan Struthers (Dauphin): I would like to thank the member for Seine River (Mrs. Dacquay) for allowing me a few minutes to just conclude the remarks that I began before six o'clock and finished up then. I want the member for Seine River to realize something that is very basic, something that is going to be absolutely evident over the course of the next several months in the House, and I would dare say over the next couple or three years to the next election, that if she remains in the Chair, it is only because her colleagues and her party have had the Whip on them and that they have stood and supported her despite the logic, despite the question of fairness and in total, absolute, flagrant defiance and ignorance of the rules that govern this Assembly.

I feel sorry for the member for Seine River insofar as I do not wish upon anyone to have a job knowing that they are keeping the job not because of the good job that they are doing or that it is any expertise of theirs, it is simply because her own party is backing her up over and above all the rules and traditions for which this House has stood for years. It is not only a reflection on the member for Seine River but a reflection on those who will presumably later on in this debate simply stand up and ignore the wishes of Manitobans and ignore the rules and practices of the House.

I just want to conclude, Madam Speaker, that the one thing I can tell you from the Canadian Parliamentary Association's meeting in Halifax that the Speaker of the Nova Scotia Legislature, Paul MacEwan, would be absolutely impressed with, he would be absolutely proud of, the work that you have done as Speaker in the Manitoba Legislature. I would suspect that the

Speaker, in disrepute from a summer and a half ago, would say that you have been doing an excellent job because what you have done is you have made his breach in the Nova Scotia Legislature look quite small and insignificant compared to the abrogation that you have applied to our House on behalf of the Premier of Manitoba (Mr. Filmon).

Thank you very much, and I will cede to the next speaker who would like to speak on this motion.

Hon. Gary Filmon (Premier): I am delighted to be able to be able to rise and speak to this motion that was put forward by the Leader of the Opposition (Mr. Doer) and assure you that I will be voting against the motion, Madam Speaker, because I believe that this motion speaks more about the lack of integrity and character of the people who put this motion forward than it does about you. Indeed, this motion is all about the Leader of the Opposition attempting to cover up for his lack of integrity, for his lack of commitment to his word. I might say that I do not blame him singly in this because I believe that in this effort he was under a tremendous amount of pressure from some of the new, aggressive young Turks in his caucus who forced him into a situation, which, I am sure, he did not want to be in, which was to go back on his word, to go back on a signed agreement, to go back on a change of rules that had been worked on for five solid years by many people in this House that predates the presence here in this House of many of the members opposite. [interjection]

I would ask the member for Crescentwood (Mr. Sale) to please be calm. I did not interrupt the speakers who were here all afternoon. I listened patiently, and I ask him to do the same, please, Madam Speaker.

An Honourable Member: And if he does not, what will you do?

Mr. Filmon: The member for Wellington (Ms. Barrett) wants to chirp away. They are afraid to hear the other side of the story. They are there, as they have been in the past, harassing people, trying to cut people off, trying to stop the business of the House from going on.

Madam Speaker, I sympathize a great deal with you because that has been the treatment to which you have been subjected now for almost two years in this Legislature, and it is a treatment that is fitting of the perspective that people have of the members opposite. It is no wonder why they are regarded as the poorest of all the alternatives in this province because of their lack of decorum, because of their lack of commitment to their word, because of their harassment of you and others in this House from the time that you have been in that Chair. As I say, I have a great deal of sympathy for you, and their actions speak more about their lack of integrity and their character than they do about you.

The Leader of the Opposition was woefully betrayed by various of these aggressive new people in his caucus who, I think, put him in the unenviable position of having to see his word absolutely trashed and breached, to have to see the work that was done by members on both sides of the House for a period ranging of up to five years be absolutely thrown away because they believed that was in their political interest, their narrow, partisan interest, to just simply ignore the rules of the House and ignore an agreement that had been signed and rules that had flowed from that agreement. The fact of the matter is that his caucus forced him into this situation, and now they take him that extra embarrassing step of having to bring forth a motion in this Legislature to try and justify their actions, Madam Speaker, by placing the blame and the responsibility on you. A terribly, terribly unfair situation and a terribly unreasonable situation that flows precisely from the actions of the members opposite.

They breached an agreement that resulted in a set of rules. They breached an agreement that had been worked on, that had been signed by the House leaders, that had been agreed to by the Leaders in this House, the member for Concordia (Mr. Doer) and myself. They breached an agreement that was to have, in the words of the member for Thompson (Mr. Ashton), resulted not just in rules reform but indeed in true parliamentary reform and, indeed, I will read the words of the member for Thompson in just a few minutes as part of this presentation, but there is ample evidence of the fact that members opposite created the situation that faced us in late November, created it for their own political interests and now have set up the Leader of the Opposition in attempting to justify it.

Madam Speaker, I think it is most inappropriate that the Leader of the Opposition, having moved the motion here in the House, then goes out and talks to the media about how we are only interested in having tea parties and other social functions on this day of the opening of the Legislature, when the majority of our members sat here through all of the presentations of the members opposite while their Leader went out for more than an hour to entertain his friends in the media to try and get his viewpoint across, his rather twisted and distorted viewpoint, I might say.

* (2010)

This story has a great deal behind it and all last summer members on our side were hearing stories about the great plots that were being cooked up by members opposite. The member for St. Johns (Mr. Mackintosh), with two former House leaders from the New Democrats, Mr. Anstett and Mr. Cowan, were seen here in this Legislature during the summertime and we were told about how they had this grand plan to break down the rules of the House and to break down the agreement that they had willingly entered into, that they had been a part of not only negotiating but a part of drafting, Madam Speaker.

Of course, the member for St. Johns stood up and, in his modesty, took great credit for the fact that he was the representative who negotiated and indeed advised Elijah Harper during the time in the House in Meech Lake when the Meech Lake motion was not able to be introduced or passed in this House. He takes great credit for that circumstance, in all of his modesty of course, because he was the one who figured it all out. Well, in typical fashion of course, people with huge egos and a great deal of arrogance, they recast history in their own mind. I listened to him, and he said, among other things, that Elijah Harper blocked the passage of the Meech Lake Accord by getting up on a point of order.

Well, that was not the case at all. Our rules, and this is the point, our rules called for notice to have to be given in order for certain procedures to take place, including the introduction of that constitutional resolution. Our rules said that without notice we had to get unanimous consent, and members opposite who were here, unlike the member for St. Johns, who has

cast this all in his own mind in his hero role—he was not even here, Madam Speaker, because if he were he would know that the only thing that Elijah Harper said was no. Because at each beginning of procedures in this House on each day of business, the Speaker made the appropriate request to the House, and he said, do I have unanimous consent to waive the requirement for notice? And Elijah Harper said no.

That is exactly what we are talking about today, talking about rules and the obeying of rules. Indeed the member for St. Johns does not know that this whole issue is about the fact that his opposition party, that his colleagues willingly decided that they were not going to obey the rules of this Legislature that we had put in place unanimously, that had been the product of years and years of discussion and ultimately several months of negotiation that put in place an agreement, an agreement that said, among other things, that we would operate in the following fashion. This is the memorandum of understanding that resulted in the rules that we worked under, and that memorandum of understanding was signed by the member for Thompson (Mr. Ashton) on behalf of the New Democrats, by the member for Inkster (Mr. Lamoureux) and by our former House leader, the member for Charleswood (Mr. Ernst).

This memorandum of understanding said, among other things, that government bills will be introduced, printed, and distributed during the spring sitting. All bills so introduced will proceed to a vote on third reading and Royal Assent not later than the final day of the fall sitting, Madam Speaker, but, of course, the member for St. Johns (Mr. Mackintosh), who boasts about the fact that he was a Deputy Clerk in this Legislature and became, of course, the greatest source of information on the rules of this House through that process, then decided to go back and take law. In the process of taking law, of course, he became one of those people who decided that, of course, law was not based on principle, but the practice of law was a function of being able to find as many loopholes and as many ways of getting around the law.

That is the attitude that he brings to this House; that is the attitude that he brought to his caucus, and that is the attitude that is bringing his caucus down, because the fact of the matter is that in this Legislature, nothing

works unless there is a commitment on the part of both sides to abide by their word, Madam Speaker.

Their word is supposed to be their bond but, of course, we know what this memorandum of understanding, which was agreed to by all parties, which was passed into rules unanimously by this House, we know that that word that they committed to meant absolutely nothing to them when they felt that they had a political opportunity, a political opportunity to gain some cheap votes. That is all that was behind their actions then and is behind their actions today in trying to make you the scapegoat for their actions, their lack of integrity and their lack of character, Madam Speaker.

The fact of the matter is that the reason that we are in these circumstances is that we cannot trust the word and we cannot trust the honour of the members opposite. I tell you that in all of life, there is nothing that is more precious than your word. There is nothing that is more precious than keeping your commitments that you have made. Indeed, members opposite should know that if you cannot do business with people on the shake of a hand, no amount of lawyers, accountants and consultants trying to put the words together will make it happen.

So what we are talking about is principle. We are talking about a commitment to keep certain principles, and one of those principles was, the foremost of those principles was that all bills so introduced will proceed to a vote on third reading and Royal Assent not later than the final day of the fall sitting. That was something that was absolutely dismissed by the members opposite because they have a few fixtures in their midst, notably the member for Crescentwood (Mr. Sale) and the member for St. Johns (Mr. Mackintosh), to whom word means absolutely nothing. They are people who believe that laws are there to be manipulated, to be gotten around and that words and handshakes mean nothing if you can find a way to turn it to your political advantage.

They regrettably have conveyed that attitude to most of their colleagues and now a majority of them support that position. They have regrettably put their Leader in the embarrassing position of having to bring this kind of motion into the House to try and transfer the

responsibility and the blame on to you, Madam Speaker.

Well, it will not work, and the public do not accept it, and the public know them for what they are. They are people who cannot be trusted. They are people who do not keep their word. That is exactly why we are here today debating this absolutely phoney resolution put forth by the Leader of the Opposition.

I find it absolutely fascinating that we have had some impassioned speeches from members opposite who again attempt to recreate history, to revise their view of what happened. We had the member for Wolseley (Ms. Friesen), who said she believes that we ought to “get it right in the detail as in well as in the principle.” Principle is what we are talking about. This is what the agreement said that was signed by all parties, that was passed into the rules of this Legislature. It said, government bills will be introduced, printed and distributed during the spring sitting. All bills so introduced will proceed to a vote on third reading and Royal Assent not later than the final day of the fall sitting.

Madam Speaker, you know as well as I do that if this matter were to go to court, if this matter were to go to court and the members would argue as they have attempted to argue, weakly, I might say, that this is not exactly the way it turned out in the rules, any judge would go back to the principles of the agreement. This matter was well spoken about by the member for The Maples (Mr. Kowalski) last November when he talked about the fact that in an agreement, if there is any question as to the meaning and the intent, people go back to the source document. In fact, the member for St. Johns (Mr. Mackintosh), as a lawyer, ought to know that if we were in court and a judge said, well, I am not sure what the Legislature meant by this particular clause, the first thing they would do is to go back to the source documents and to go back even to the things that were said in the House when those source documents were being produced.

* (2020)

I said before about what was said by the member for Thompson (Mr. Ashton) at the time that these new rules were adopted. I quote. “I just wanted to note that this

is a time that is not used very often. The rules committee of the House has not met for many years, I believe, and I am certainly glad that we are meeting to discuss the consensus that has been reached in the principles of rules reform and to try to put the substance to that consensus.” He went on to say: “I suspect it may not be as easy as it appears, so I think we have some work ahead of us, but I think it is a statement of commitment of members of the House generally, not just change the rules, but parliamentary reform.”

That is precisely, precisely what happened, that we went through parliamentary reform that was to establish a new way of doing business in this House, Madam Speaker.

So that is why it is so difficult when members opposite go and talk to people who used to know this House, former legislative reporters from the different media outlets or people who used to be experts on the rules of the House five years ago or 10 years ago or 20 years ago.

This was a replacement of all of those previous rules based on a unanimous commitment, a unanimous consent to a memorandum of understanding that then translated into rules of this Legislature. What this is all about is the fact that one group in this House decided that it was in their political interest to breach those rules, that agreement, and that commitment of word and simply do whatever was in their best political interest. They are paying the price for it today. It is why they are running third in this province, Madam Speaker, because the members of the Liberal Party have some integrity. The members of the Liberal Party have some sense of what is the value of their word. The members of the Liberal Party have spoken out on this issue.

I just want to quote the member for The Maples (Mr. Kowalski) and some of the comments he put on the record with respect to the duplicity and the lack of commitment to their word and to the integrity of the members of the New Democratic Party.

I quote him from Hansard, November 25, 1996. He said: “I am not a lawyer, as is the member for St. Johns (Mr. Mackintosh).” He said: “I am a police officer who for 25 years has maintained rules, who has interpreted the rules in the form of the laws of Canada.

Sometimes when I have taken my interpretation to court I have been wrong. Sometimes I have been right. So I have learned to be humble and not self-righteous and not arrogant in my interpretation of the rules to know that sometimes people wiser than myself—or maybe I have not taken all things into consideration, but in this matter, I read the rules and I read your ruling”—Madam Speaker, referring to your ruling.

He went on to say: “I have a strong conviction that what has happened here is that the provisional rules fell short. We know what the intent was and, unfortunately, when we drafted the rules it did not give a mechanism in which the matter could come to a vote. What I see your ruling as doing is giving a way for this matter to come to a vote. The member for Inkster (Mr. Lamoureux) said possibly you did that prematurely. I would argue that why do we have to wait till the eleventh hour? Why can we not conduct business in a planned, civilized manner? So I do not see this as doing it prematurely, I see it as looking at what was coming. It was inevitable what was going to happen”—Madam Speaker, I think that that is a very, very fair, balanced and reasonable interpretation.

He went on to say: “The member for St. Johns talked about that letter of understanding,” saying, “that agreement was no longer valid.”

Madam Speaker, today the member for St. Johns went so far as to say if we had an agreement—if we had an agreement, as though somehow history had been erased and that this was all a bad dream, that there was no agreement, that there were no new rules, that there was no procedure that had been unanimously passed in this House. This is how revisionist he attempts to be. It is shameful. It is absolutely shocking.

In any case, I will go on and say the member for The Maples (Mr. Kowalski) said: “Well, I remember when I was on the Winnipeg Police Association and we were in contract negotiations. During those negotiations we had a stenographer present during all the discussions. Out of those discussions, quite often there would be a letter of understanding drafted to state what the agreement was in those negotiations. From that letter of understanding, a contract was written, signed and agreed to. Later in the year, after the contract had been signed, things occurred which we had not considered or

that the contract was not too clear of. What is the first thing we went to? We went to see what was the intent in the letter of understanding, and if the letter of understanding was not clear we even went back to the stenographer's notes on what the conversation was on what we agreed to.”

Those are people of principle. Those are people whose word means something. Those are people who really want to find a solution that is the right solution to a problem.

He goes on to say: “Now there is no doubt in my mind—it is common sense, and as I say, I am not a lawyer, I am just using common sense and my understanding—that everybody in this House knew what we were agreeing to in December when we signed that agreement that at a certain point all the legislation would come to a vote. Unfortunately, when we drafted the rules we did not do it as well as we could have. But do you know, that is interesting because—although I will not comment on Bill 67 but—how many bills have passed through this Chamber that have been perfect? Is there a single bill that could not have been improved if we would have spent more time on it, and is there a single bill that there was not another word to say about it?”

I will tell you how explicit it was in the discussions that led up to it, the memorandum of understanding that was signed. It was preceded, I might say, by a letter of exchange between the Leader of the Opposition (Mr. Doer) and myself, and in the latter stages when we were coming down to the number of weeks that we were going to have as the bare minimum and it came down to 20, the Leader of the Opposition said to me: You have to understand that we are giving up the right to forestall passage of legislation by using rules of the House to frustrate the process. We are giving that up, and no other party has ever given that up before, and he said this is a very big issue with my caucus.

So they understood it, Madam Speaker. Chapter and verse, they understood that they were giving up the right to use the process of the Legislature to frustrate the rules and to manipulate things to try and stop passage. They understood it, and then having agreed to it, having passed the memorandum of understanding, having signed it on behalf of their caucuses and having

passed it unanimously, they then turned their back on their word and their commitment.

That is what we are dealing with, Madam Speaker, and there is nothing else on this agenda but the need of the opposition to try in some way absolve themselves of the blame and the responsibility for what happened in the latter stages in November in this Legislature. It will not work.

It will not work, because we know and the public knows that their word cannot be trusted, that their signed agreement means absolutely nothing and that they are in fact the cause of our problems here in this Legislature.

Madam Speaker, the member for Wolseley (Ms. Friesen) talked about her anger. Well, indeed, I had a great deal of anger in my mind as well as I watched the antics of the members opposite, theatrics I would say, planned, programmed and totally, totally premeditated theatrics in this House in the last couple of days.

The member for St. Johns (Mr. Mackintosh), of course, is the primary example of that. Never have we seen people in this House behave so atrociously as we did, so childish as we did, in those last two days of the House. But what is interesting is that it was all planned and premeditated. It was designed for the cameras. It was designed for maximum public attention. Why else would that member have his family gathered in the House to watch his performance on the particular day that he rushed down from his seat and into the centre of this Chamber? Why else would he have them all there ready, waiting for the action? Why else but if it was not to show them what a hero he was, what a great role he had in this Legislature, and how he was now going to take over and be responsible for this House and its inability to deal with the legislation that he had committed to dealing with? Why else would he do it?

* (2030)

This is what we are talking about. This is the kind of hypocritical nonsense that we have. He has got his whole family gathered in the Chamber, in the gallery, to watch his performance because he is going to come down here and get on television and get on the front

page of the paper for rushing down into the middle of this Chamber to threaten you, Madam Speaker, and to try and provoke me. That is exactly what this is all about. This is about the member for St. Johns and the member for Crescentwood (Mr. Sale) and various other members there on an ego trip gone wild.

Madam Speaker, the member for Wolseley (Ms. Friesen) talked about shame, and indeed there was nothing more shameful, nothing more shameful in the 18 years that I have been in this Legislature than watching those performances and watching a party that used to have some integrity, that used to have some commitment to principles, let it all go, let it all go for cheap political purposes. There was nothing, nothing that I have seen in 18 years that was more shameful than that. That is what we are dealing with in this resolution, and that is why every member of this Legislature ought to vote against this resolution, because it is patent nonsense. The fact of the matter is that the member opposite made some sort of impassioned plea today saying that he hoped that he would have an opportunity to speak again in this Legislature, that he would be given that opportunity.

The fact is that he, along with every other member of this Legislature, will have an opportunity to speak as long as they abide by the rules of this Legislature, the rules that we all agreed to abide by, the rules that we unanimously passed in the last session. Now they are gone, and so we are back to the old rules, and we know what the rules are. We will abide by those rules, and as long as we abide by those rules, we will be recognized, and when we do not abide by those rules, whether the person is on that side of the House or this side of the House, they will have to deal with your rulings, Madam Speaker.

You have been more than generous in your rulings throughout the past two years. You have been more than generous in your treatment of everybody in this House, and members opposite joke about the number of times, Madam Speaker, that you have ruled against my actions in this House, that you have asked me to withdraw comments in this House, that you have asked me—[interjection] That is right. That, I think, shows exactly the evenhandedness and the impartiality of how you have dealt in this House.

Day after day after day in Question Period they break the rules of the House. Beauchesne says very clearly that questions are to require only one carefully worded sentence of preamble. There is not one question that is asked opposite that ever meets that test, but you are generous. You are generous. You give them the opportunity to continue to flout the rules. You give them the opportunity to continue to have their way in this House, and what do they do? They find new ways to harass you. They find new ways to break the rules of the House and to try and provoke you, Madam Speaker, but you have very wisely and very carefully looked after your requirements in this House and your duties and responsibilities in, I would say, the most professional manner, and I applaud you for it.

Madam Speaker, the member opposite, or several of the members opposite, talked about the fact that they somehow did not have enough time to deal with the MTS bill, and that is what provoked them and that is what caused them to act out and to break the rules and to breach their agreement. Well, the fact of the matter is that in the fall alone we had 11 weeks of debate, and during that period of time the MTS bill could have been called any time that the members opposite wanted to deal with it. We had, I believe it was almost 300 presentations at committee—

An Honourable Member: Yes, yes.

Mr. Filmon: —almost 300 presentations at committee. It went on for days and weeks on end, Madam Speaker. So at no time was there any threat of attempting to close down legitimate presentations on this bill. But we are not talking about legitimate presentations. We are talking about a group opposite who had determined that they were going to breach the rules of the House, and they had a fixer in their midst, a former Deputy Clerk of this House, who was going to find them a way to break the rules that had been agreed upon, that had been signed by all three parties and had been passed unanimously by this House.

Madam Speaker, they talked about not having enough time. You may recall that when the bill was passed in committee we had an opportunity to bring it back into the Legislature and have several days of immediate debate on the bill in report stage. Every day, despite the fact it was the only item on the Order Paper, they

denied leave to deal with that bill. So, if they were interested in debating it, it is absolute patent nonsense for them to say that they did not have a chance when they denied leave every day. They could have spoken for three additional days on the bill, and they did not. Their choice, and they now sit there and they try and say that somehow it was the fault of the government. Well, that is why they are not believable. That is why the public does not believe them. That is why the public is treating them with the kind of scorn that they deserve because of the way they dealt with this issue.

Madam Speaker, this whole change in the rules was about trying to bring on a more orderly, civilized and respectful process in this House. It was something that was worked on, the product of five years of work that was absolutely thrown away because some members of the opposition, in their arrogance and in their desire for political gain, decided to just throw away the agreements that had been put together by their colleagues. All of this was thrown away, five years of good hard work to try and not only reform the rules but, indeed, to reform parliamentary procedure. We have to thank the members opposite. I think principally the member for St. Johns (Mr. Mackintosh) and the member for Crescentwood (Mr. Sale) and a few of his other aggressive colleagues who, unfortunately, have taken away the tacit leadership of the party from the member for Concordia (Mr. Doer). They have taken away his leadership because of their own personal interests, their own interests in power, their own interest in trying to improve their profile for the future.

That is a great tragedy, Madam Speaker, because a great deal of hard work was put in by many, many people who were committed to improving this Legislature for the future, for future generations and for future members of this House to be able to deal in a civilized, dignified manner and in a respectful manner in this House, all of that thrown aside because of their own partisan, personal interests, I might say. The fact of the matter is, they ought to receive the continuing scorn of the people of Manitoba as they are getting it right today.

These are not people who can be trusted. These are not people who can be relied upon to keep their word. These are not people who are here for the democratic process or to represent their constituents. They are here

for their own partisan interests, and that is exactly why they are being treated the way they are by the public today, Madam Speaker.

* (2040)

You know, the member for Thompson (Mr. Ashton) waved around today at the beginning of his speech a picture of our caucus sent out at Christmastime to be put in various newspapers, and he made a big fuss of the fact that you, Madam Speaker, are in the picture with the caucus. I have with me a couple of Christmas pictures from 1990 and 1991 of our caucus in the Christmas greetings in the newspapers in which the member for Gladstone (Mr. Rocan), then the Speaker of the House, is in the picture with us, but at no time did they raise that as an objection. At no time did they raise that as an issue, because the fact of the matter is that this is what they are doing for their own partisan purposes. They are the ones who have created partisanship.

This is not the first time that you have been attacked, Madam Speaker. You were attacked on two previous occasions prior to the MTS issue because they wanted to harass you. They wanted to try and make some cheap political gain at your expense, and they are the ones who are being seen for what they are. They are partisans. They are people who have their own agenda, and they are not interested in being here representing the best interests of the people of Manitoba.

For all those reasons, it is not in anybody's interest to support the motion that has been put forth by the Leader of the Opposition (Mr. Doer). We have dealt with in this House the issues that have come before us. You were faced with a very, very trying and difficult circumstance when the rules that had been adopted by all members in this House were clearly being breached, and you, Madam Speaker, showed courage and showed a commitment to democracy by making the ruling that you made.

But I want to make the point, Madam Speaker, I want to repeat the point that has been made by our House leader, and that is that when your ruling was not agreed to by members opposite, they demanded a vote of this House. That vote of this House which by majority passed your ruling became then a rule of this House. It

became a rule of this House and that is what we were dealing with, a rule of this House based on your interpretation of what has been referred to by members in the Liberal Party as a gap in the understanding of how we get to the point that we had intended to get to where we passed the memorandum of understanding that said that all bills must come to third reading and Royal Assent by the last day of this House.

You did that, Madam Speaker, and I think you did that in a very forthright way and a very thoughtful way, and for that I think you are owed the admiration of the people of this province. You should not be dealt with in the partisan way that you are being dealt with today by members opposite. But I would say that the members opposite make the arguments, saying, well, if we had an elected Speaker. Well, firstly, the Speaker was elected. Moved by the Premier, seconded by the Leader of the Opposition and passed by this House, she became the Speaker, but having said that, they say that we would do better with an elected Speaker.

Well, I tell you this. This House will only function properly if there is a sense of trust and a sense of commitment to the process by members opposite. When you cannot trust the word or the signed signature of the members opposite to obey the rules of the House that they have willingly and fully participated in developing, Madam Speaker, then it would not matter whether you had an elected Speaker or an appointed Speaker, or whatever you had, secret ballot or anything else. If members opposite are determined to frustrate and undermine the workings of this House, then indeed that would destroy any opportunity to have this House work properly.

I would hope that members opposite, having unburdened themselves of their guilt in this motion here in the Legislature, will carry forward and attempt to make this House work because I know that the people who elected me expect me to come here every day, do the business of the people of this province, and work for their best interests and work on their priorities, not on the narrow partisan agenda of the members of the New Democratic Party. I would hope that, once we are through with the motion, we will see some sense come into that New Democratic Party and see this Legislature return to its proper workings once again. Thank you, Madam Speaker.

Mr. Oscar Lathlin (The Pas): I also welcome the opportunity to rise to speak to this motion, the motion that I am going to be supporting wholeheartedly because I feel that it is the right thing to do to support the motion as it has been raised by my Leader, and seconded by the member for Wolseley (Ms. Friesen).

I have sat here now for six years, maybe going on seven years. I have had the privilege to work with the former Speaker, the member for Gladstone (Mr. Rocan). I have also had to work with you, Madam Speaker. As a new member when I first came here, like others I was nervous. It was a brand-new experience for me. I did not quite know what was ahead of me as I came into this House here, but I knew that I could rely on people. I knew that I could rely on my colleagues, for example, people who had been here before me who had learned the ropes by then, and perhaps advised me as to what to expect in terms of rules, regulations, and procedures.

Well, the former Speaker was very helpful. As a new member, I felt safe, I felt that I could make mistakes and not be in serious trouble. I also felt that I was supported by the former Speaker. Just his demeanor, his mannerisms, his speech made me feel that, even though he was from the opposition benches, even though he was the Speaker, I could actually go to him whenever and maybe ask him for some advice on rules and regulations, maybe even on other issues.

Twice now I have had bad experiences in terms of how justice is meted out in this Chamber. The first one I want to revisit for a little while, because while I am doing that, I hope to also make set the record straight in terms of how that incident has been repeated by sometimes the Premier (Mr. Filmon), sometimes by his colleagues, and sometimes by the media. What happened at the time was I had made a speech. I got up and I made a speech, and I showed my dissatisfaction, through my speech, of government policy. Specifically I referenced the fishing issue. I spoke about Lake Winnipeg and how in Lake Winnipeg 80 percent of the fishermen are aboriginal people but that I did not agree with the idea that a handful of fishermen from Gimli were allowed to have a free run of the lake and also benefit disproportionately from the profits made by fishing in Lake Winnipeg even though they were only numbering 11 as compared to 80 percent of the total

number of fishermen in Lake Winnipeg being aboriginal people. I did not think that was fair, Madam Speaker, so therefore that is why I raised it as being a racist policy of the government. I did not reference the Premier as being racist himself.

As a matter of fact, I finished my speech at that time. Not once did you, Madam Speaker, have any problem with the contents of my speech. Not once did you rule me out of order. I finished my speech, I sat down, and then the next speaker was, of course, the Premier, and, of course, somewhere during his speech he started referencing the words that I had said in my speech and at one point even said himself, he said, he is the racist, people in The Pas say that he is racist, people in The Pas say that he is meanspirited.

* (2050)

Well, when I got to The Pas the following weekend, all I had to deal with was people phoning me and asking me. My answering machine was full of messages from people, town folks, white people, asking me, you know, like, why would the Premier say this to you, because people know me otherwise in The Pas. They do not regard me as being meanspirited or as being racist. Anyway, the point that I was trying to make was, in that exchange in my speech I called, yes, I called government policy as being racist. You did not rule me out of order. I sat down, finished my speech. It was not until the Premier started calling me a racist that there was a problem. That is, of course, when my Leader, I believe, got up on a point of order, and that is when the whole thing started.

Madam Speaker, I want to also mention, this afternoon when I was listening to the speakers from the government side on how they were trying to turn it around, that is partially the reason why I decided to revisit that incident whenever it happened. I know racism when I see it or when I encounter it. Some of it can be subtle. Some of it can be downright, you know, out in the open, and some of it is imbedded in government policy, legislation, systemic discrimination, racism.

I guess one of the more clear examples that I can give as racism being put forth by government in government policy is the residential school era that we went through

where whenever we spoke, for example, our language, the principal was obligated to take us into his room and we would get a strap. That was government policy and that was racist. When we were told to give up the land, our land, and now start living on small tracts of land called Indian reserves, the title of which is vested to Her Majesty the Queen. Even though the land was set aside for Indians, we do not actually own the land. While we were being herded into these reserves to live on them, we were also given numbers. The band was given a band number, and individuals were given numbers, individual treaty numbers. That is government policy; that is the Indian Act; that is legislation. That is racism being done by way of legislation.

Madam Speaker, I will say once again, I do not need the Premier or any of his colleagues, particularly the Minister of Northern Affairs, to lecture me about racism. I know and I recognize the ugly truth that the Premier and his friends try very hard to pretend it does not exist.

I also want to mention the Minister of Northern Affairs' remarks that he made this afternoon when he stated during his speech, the NDP opposition, the only reason or one of the reasons that they are giving you a hard time is because you are a woman. Well, almost like out of habit, I almost expected the Minister of Northern Affairs to say some of my best friends are women, because they say that about Indians. They say some of my best friends are Indians.

So that is one incident where I was involved in that you were involved in. You ruled that I could not use the word "racist" to describe government policy, and yet it is all around us. I could not reference racist policies in the past, in the present, and in the future, even though it is done in other jurisdictions. Also, I had a great deal of problem with that, Madam Speaker. That is why I wanted to revisit it for a little while this evening. I could not ignore it.

When I first came here, as I said six years ago, I, like all the other new members, had to go through the process of making our first speech. I remember when I made my first speech, and I remember most of what I said in that speech. One of the things that I said in my opening speech or my new speech, my first speech, was

that I did not consider myself to be superior or to be better than anybody else here. I also said that I did not consider myself to be inferior or to be less than any one of you here. I remember clearly saying that.

You see, Madam Speaker, I came here with the understanding that I was equal, just like every one of you here, at least in this Chamber. I got here; I went through the same exercises that everybody else had gone through. I went to a nomination meeting, and I convinced a whole bunch of people to vote for me in a nomination meeting, as did three others. I won the nomination because I received the largest number of votes. I went on to win the riding of The Pas, just as you people did.

So, for that reason, I thought, well, at least here I am equal. I did not have to go through a special exercise to come here in order to prove myself that I was worthy of being here. I had to do exactly the same thing as every one of you did. Therefore, I thought I was equal.

Now, the other incident, of course, is during the time that the issue of the sale of the Manitoba Telephone System was debated. As far as I was concerned, during the debate I did not get up and speak whenever I did because I wanted to be difficult, just for the sake of being difficult. I got up to speak because I thought that was the right thing to do, because whenever I went home to The Pas, you could not go anywhere—as a matter of fact, people phoned you at home and they came looking for you at home to visit. Inevitably, the discussion would centre around the sale of MTS. So people say, go in there, Oscar. See what you guys can do to maintain MTS the way it is because it is ours.

* (2100)

That is what I was doing whenever I came here, not to be difficult, not to give you a hard time. I did it because I honestly believed that that was my job, to get up and say those things that my constituents were talking about, or that is all they wanted to talk about every time I got together with them.

We asked the government to have public hearings outside of Winnipeg over and over again. The people asked me in The Pas, Norway House, Cross Lake, how do we do it? I just tell them phone the Minister

responsible for MTS and ask them to have hearings in CrossLake, NorwayHouse, and in The Pas. You know what, Madam Speaker, throughout that debate this government would not listen to the people.

I attended some of the meetings in southern Manitoba, in Springfield, and I listened to supporters of this government expressing their desire to keep MTS the way it was. I think I attended at least two meetings anyway in the south where I listened to Conservative supporters telling us that they wanted to keep MTS. I was there. I saw it, and I listened to them. So that is why my colleagues and I were bound and determined to, as far as we could go, express the voice of the people that we represented.

Those were the two incidents that I remember, because for me, in the first instance it was, as far as I am concerned, I was denied to speak, to tell the truth, even though others around us were using the same language in the House of Commons and in other jurisdictions. My freedom of speech was severely impaired, and then in the second instance democracy was the one that compelled me and others from this side to keep pushing the government to maintain the Manitoba Telephone System because that is what the majority of people wanted us to do. Unfortunately, of course, the government did not want to listen.

As for you, Madam Speaker, I could say that I do not blame you. Let me say this, that I am not after you personally. It is not a personal matter for me, as others have suggested. For me, I am more upset with the Premier (Mr. Filmon) and his cabinet colleagues for doing the things that they did, but I also do not feel sorry for you for being in the position that you find yourself in because, in my estimation, you had a choice. Why did you have the choice? You had a choice because you know the rules. You are the Speaker. You knew the government had the option of imposing closure. They did not have the guts. They were too chicken to go that way so, therefore, they came to you and, for whatever reason, you allowed yourself to be manipulated by the Premier and his cabinet colleagues.

Because I have lost confidence in you, it is almost like things are not the same anymore for me. I also will have to support this motion and ask for your immediate resignation. Thank you.

Hon. Mike Radcliffe (Minister of Consumer and Corporate Affairs): Madam Speaker, I rise today to express my indignation, my astonishment at the temerity of our honourable colleagues, if I can call them that, on the other side of the Chamber today.

We have heard about the history, the five years that went into the making of these new rules. We have heard about the countless opportunities, the myriad of opportunities that our erstwhile honourable colleagues across the way had to express their comments on this Bill 67, and we would wonder, was that the reason that they behaved so abominably at the last two days of the last session? I do not think they are saying that. I think that we heard a litany of rules that the honourable member for Thompson (Mr. Ashton) recited, and I think he would do credit to what they refer to as a Philadelphia lawyer with his expertise. I do not think we are talking about that.

A Cleveland lawyer, says the honourable Minister of Agriculture (Mr. Enns), but, no, I think it is really more serious than that. We have heard some members of this Chamber reflecting on racism. I even heard the honourable member for Crescentwood (Mr. Sale) making an allusion today from his seat to somebody making the trains run on time. I happen to know, because I am a student of history, what that allusion means and I do not think that that is admirable at all.

Madam Speaker, I had the opportunity in this Chamber on the 27th and 28th of November last year to talk to some of our young pages who were here assisting us in the House. I want to tell you, I want to tell my colleagues here in this Chamber and I want to tell the people of Manitoba that those young women were terrorized, they were terrorized by the disgraceful behaviour that was being exhibited on the floor of this Chamber.

(Mr. Marcel Laurendeau, Deputy Speaker, in the Chair)

There were members running and bolting across the Chamber, and I remember we heard the member for Wolseley (Ms. Friesen), who was reflecting on her recollections of the final days of the last session, and I would like to remind her and I would like to remind the people of Manitoba as well as my colleagues here that

the member for Burrows (Mr. Martindale)—I remember watching him bolt across this Chamber, rush through this door and he recoiled off the back of two of our members who were walking out of the Chamber. Do you know what he was doing, Mr. Deputy Speaker? I would suggest, with the greatest of respect, that this was crass intimidation of our Speaker. He was trying to race out to be in her face as she was walking down the hall. Now, I could be corrected by the honourable member for Burrows, but I would suggest—I would like to think that this was not the case. But are we talking about intimidation? Is that the name of the game in this Chamber because, if it is, I would suggest that is something that the people of Manitoba do not want to see.

* (2110)

We heard the honourable Minister of Northern Affairs (Mr. Newman) today talk about the school children who come up into our galleries here, and they look down on us behaving as their leaders, and they saw the member for St. Johns (Mr. Mackintosh) leave his seat, leave his desk, rush across the floor of the Chamber in gross histrionics and he was catatonic, Mr. Deputy Speaker. He was shaking with emotion, and only when the cameras were on. [interjection] I hear some mewling coming from across the floor from the honourable member for Crescentwood (Mr. Sale), but I would urge the honourable member for Crescentwood to wait his time. I know that our honourable colleagues across the floor are not very good about waiting their time. They think that they run this Chamber, and that is probably one of the problems that we have got here, but I think that there is another issue at stake and it is not about opportunity to speak. It is not about hunting headlines, and it is not about a broken agreement. You know what it is about, honourable colleagues in this Chamber? It is about self-respect, and I would suggest that there is a complete paucity of that value across the floor.

An Honourable Member: That means there is a lack of value.

Mr. Radcliffe: A lack of, and the honourable member for Turtle Mountain (Mr. Tweed) has indicated and has got the message. Mr. Deputy Speaker, you judge others by yourself, and I can tell you I came from the private

bar before I came into this Chamber, and members of the bar, solicitors and barristers in this province, we were judged by our word, and if you were found that your word was not your bond, you were finished in this town. You would not have any other solicitor doing business with you. I would tell you that when you are doing business here as a solicitor or a barrister you have to make commitments. You make commitments in writing; you make commitments verbally to your associates; and you know what, you are known to stick by them if you are an honourable person.

Mr. Deputy Speaker, we have heard here recounted that there was a memorandum of understanding, that there was a very specific description of how this session was to end. I for one can tell you, honourable colleagues, that I expected our honourable friends across—and I say erstwhile honourable friends across the way—to live up to that commitment, and now they are trying to impugn the veracity of our Speaker, the effectiveness of our Speaker, and I am astounded, I am flabbergasted. I would like to share with my colleagues today some advice that I received from the late Honourable George Eric Tritschler, who was a Chief Justice of the Queen's Bench in Manitoba. He was telling me about lawyers and pleaders in front of him. I think that we can look at and assess the remarks that were made today, and we can assess the efficacy of what these people are trying to say. Mr. Justice Tritschler said young man, and I was in those days a young lawyer, he said, I have seen many, many counsel come before me, and when a lawyer is weak on the facts, I heard him pound the law; when he is weak on the law, he pounds the facts; and when he is weak on the law and weak on the facts, he pounds the table.

Mr. Deputy Speaker, I would tell you that that was the behaviour that was exhibited in this Chamber last November and today. I do not think that we are talking about precedents in this House. Our honourable friends across the way here are trying to dress up a—[interjection] I would refrain from saying that because you might call me to order, and it would be demeaning. I think that the behaviour exhibited by our erstwhile honourable colleagues across the way only reflected upon them and caused them, caused the people of Manitoba to think less of them, because it came down to that one fundamental fact. They have tried to dress it up. They have tried to dodge it. They

have tried to weave their way around it, but they made a commitment. They made a commitment in this Chamber, and then they broke their word.

We heard about our freedom of speech. You know and I know that there are rules in this life. There are rules that I would invite our honourable colleagues to follow to allow each one of us in turn to express our views in this Chamber. Now I hear some more mewling coming from the Leader of the Opposition, but he has the habit of, perhaps, mumbling under his breath, so therefore we are unable to hear what he is actually saying.

I am pleased to tell this Chamber that I had the opportunity on behalf of my colleague the Minister of child and Family Services (Mrs. Mitchelson) to go across this country on a public consultation last fall. We heard from people from The Pas, from Thompson, from Morden and from Winnipeg, all over this wonderful province of ours.

An Honourable Member: Lac du Bonnet?

Mr. Radcliffe: No, we did not go to Lac du Bonnet, but some of the people from Lac du Bonnet came to us. Mr. Deputy Speaker, I can tell you, the topic that we were discussing was of course the reflections upon The Child and Family Services Act. I can tell you a theme that ran through all the hearings I heard and all the representations. You know what it was? It was accountability. The people of Manitoba demand accountability. They want honesty.

You know, when they hear the facts, that our honourable friends put their name to a piece of paper, they agreed in this House, in this very Chamber, to a set of rules that we would rise with all bills passed and voted on by a specific date. Then when they did not like the quality of the laws that we were passing, they decided that it interfered with their philosophical and economic agenda, then they started picking holes in what they had done. [interjection] Oh, now the honourable member of the opposition is trying to pick holes again in what we heard and mock what the good people of Manitoba were saying, and this, Mr. Deputy Speaker, is the quality of the commentary that we are hearing.

What we are facing now, Mr. Deputy Speaker, is that because of the intransigence of these individuals that we must be yoked with on a day-to-day basis, the work of five long years of negotiating in this province is now out the window. Why? Because they are hunting for headlines, because they think that they were up in the polls, and they were—[interjection] It is the slippery slope, and the people of Manitoba want us to come to this Chamber to do our business. They were happy that we had made some up-to-date and modern rules that were going to streamline the process of business in this Chamber.

Then what do they have to see of the members that they send across the way? They see a deliberate, flagrant violation of their word, their spoken word, their written word, their voted word in this Chamber. If you cannot trust somebody on little things, can you trust them on other things, on big things?

* (2120)

Mr. Deputy Speaker, the people of Manitoba have said already that they have trouble with that level of trust with our honourable friends, and that was evidenced at the last election. What our honourable friends across the way are doing now is digging themselves deeper. The more they insist on relying on technical rules instead of the essence and the thought, they prove to the people of Manitoba that they will never be government, that they lack the ability to be government. It comes down to self-respect. If they do not respect themselves, then they do not respect what they do, they do not respect the commitments they make to other people and they do not respect the people of Manitoba, and that, unfortunately, unhappily is what we are really talking about in this Chamber tonight.

What they are doing by a series of very intricate and fancy smoke and mirrors is, they are trying to transfer this sort of behaviour over and lay it at the feet of our Speaker. In fact, our Speaker, as has been said more ably than I can say, has tried to give meaning to the rules that we had all agreed upon, that we had written down, that we were functioning under, and this is the reaction, this moral indignation that they bring to us now.

Again I would suggest with the greatest of respect, because I am sure that there are some well-meaning

individuals across the way, although right now I am at a loss to discern, but I am sure there must be one or two. I mean, even when Lot was leaving Sodom, he bargained with our Maker for 10 good people in the city, and maybe there should be one or two across the way that we could find but, nonetheless, Mr. Deputy Speaker—[interjection] I am hearing somebody who is giving me some expert correction on Sodom. [interjection] I did say Lot, as I believe, and the record will show.

What we are looking at once more, Mr. Deputy Speaker, is political tactics. I would suggest that our honourable colleagues across the way are not concerned about their ability to speak because, in fact, we know that this bill was introduced into this House at the end of May of 1996, and it came up for reading. There was a speech in September and there was a speech in October and that was it. There was no other attempt by these individuals to bring this up, to bring it to the attention if they had concerns, to tell the people of Manitoba, until we were going into the last several weeks of our session. That is when they turned on the heat, Mr. Deputy Speaker, and they were then trying to introduce political tactics to try and filibuster our way out of the time limits for this Chamber so that this bill would die on the Order Paper. Pure and simple. I think if you ask them in their heart of hearts what their motives were, what their objects were, what their process was that they were trying to invoke, that is what the name of the game was, that was what the object was, was to try and talk that bill out of the House. They were trying to do that perhaps because they thought—they were trying to do that because, out of some misguided economic and social philosophy that they carry, they thought that the bill that we brought before the House was not for the general benefit of the province of Manitoba. Then today they are using their political tactics again.

We heard from the honourable member for Thompson (Mr. Ashton) when he was quoting this rule in Beuchesne and that rule in Beuchesne, but he did not talk about the general principle that was expressed in the letter between the leaders, he did not talk about that general principle that was in the memorandum of understanding and he did not talk about the underlying principle that was in the rules of this House. Mr. Deputy Speaker, when as a solicitor and a barrister you

go before a judge in the Court of Queen's Bench or the Court of Appeal or the Supreme Court of Canada, the judge will ask you: What is the underlying principle that you are talking about, Mr. Radcliffe? They want to go to the heart of the matter. Do you know what they want? They want the truth. They want what we call the ratio decidendi. They want the truth when you go into the courthouse as a lawyer.

We heard a police constable reflecting that he was not a lawyer, but he was only trying to express common sense. Well, I can commend my honourable colleague across the way because that is what we do in the courthouse. That is what we should be doing in this Chamber; that is what the people of Manitoba expect of us. They expect common sense and honesty and integrity, and they expect that when you make a commitment you live with it. They do not expect and the people out there on Portage Avenue are not going to be impressed with this rule in Beuchesne and that rule from history or whether, with the greatest of respect to my honourable friend, some king lost his head or some Speaker went to the tower. They want to know today, do you live up to your word, and that is the root of this whole debate. If you make a commitment, do you stick with it?

You know what? Our honourable colleague the Leader of the Opposition (Mr. Doer) may have tried in his caucus, but the hard-nosers, the rigid ideologues in the NDP have grabbed the opportunity here to try and ease him out of the seat, out of the leadership. We even saw this in the Winnipeg Free Press about a week ago, all the dissension in the NDP caucus, Mr. Deputy Speaker. It is a riderless horse. That is what we are faced with across the way: a riderless horse.

My honourable colleague the Minister of Indian and Northern Affairs said that when you are in the Supreme Court of Canada you are given one hour to present your case. There are rules, there are circumscriptions around how you speak, how you present your case, and then when you have five minutes to go to your hour—

An Honourable Member: You better have something to say when you get there.

Mr. Radcliffe: That is right. The Chief Justice says to you, Mr. Radcliffe, we have your argument, we

thank you, sir. Your light comes on on your desk, and you have got to sit down because there are limits and there are rules.

Likewise, Mr. Deputy Speaker, when we are in this Chamber, there are rules to our debate. That does not mean that we should rant and rail across this floor at one another. It should be reasoned debate. We should be trying to discern the truth. We should be looking—

An Honourable Member: Much like your old speech. Much like an old speech.

* (2130)

Mr. Radcliffe: Absolutely. We should be trying to discern the truth of the matter. Now our honourable colleagues across the way here are trying to convince the people of Manitoba that there was something nefarious happened last fall, and it was not the sale of MTS because, of course, we saw the economic results of the sale of the shares and how quickly those shares were bought up. We had the support of the people of Manitoba—

An Honourable Member: Did you buy some?

Mr. Radcliffe: I did not. Mr. Deputy Speaker, they know that they pointed to an issue and they missed on that. So now they are looking to the next issue, and they are saying that the process was tainted. Well, our Speaker was enforcing the rules. She gave notice as to what was going to happen. They did not believe her. They did not believe that this Chamber was going to close in an orderly fashion, and she was going to give meaning to the principles that we had expressed and that we had agreed to and that we had written down.

When I voted to adopt those rules in the spring of the year, I trusted that our colleagues across the way would live up to their commitment. I expected that we would close this session on that appointed day. You know why? Because that is what they said they would do.

When I came into this Chamber, I knew that we did not agree philosophically on economics, on social policy, on general management of public affairs with our honourable colleagues across the way and I expected that. I grieve for their misguidance; but

nonetheless, those are the things that happen in this life. I did anticipate that they were honourable individuals who when they make a commitment would live up to their word. I repeat this theme; it is worth repeating because this is the heart and the soul of this issue. If you make a commitment, you live up to it. You may not like it, you may not like Bill 67. It may fly in the face of all your economic and social philosophy. But nonetheless, once you commit yourself to a process, you are bound to follow that, Mr. Deputy Speaker.

That is why I am astounded today that our honourable colleagues across the way have the temerity to stand up here today and impugn our Speaker, to impugn the management of this Chamber and try to castigate her, try to transfer and transmit to our Speaker some of the opprobrium that should be heaped upon their shoulders, because there was the misfeasance, Mr. Deputy Speaker. It was not on this side of the House. It was not in that Chair. It only sits in one place, which is in the individuals who are sitting across this Chamber.

It goes back to the fact that they did not respect that letter between the Leaders. They did not respect the memorandum of understanding. They did not respect those rules, and they did not respect the commitment they made. You know what? They do not even respect themselves because, if they had, they would not have broken their word.

So, Mr. Deputy Speaker, it is with great sadness that I rise today to put these remarks on the record, but I am left with no other alternative.

We have heard the background of how these rules came to be. We have heard how this bill was introduced. We have heard how our honourable colleagues had all the opportunity in the world to raise their issues of concern all through the course of last year's legislative session. When did they choose to do it? In the dying days, the dying weeks of the session. They thought that they could hijack us.

We have heard mention today of the tyranny of the minority. That is exactly what we have here. The minority in this House were trying to hijack the process of this Chamber, of the government of Manitoba, and hold us hostage so that this bill would die on the Order

Paper and would not be promulgated and passed into law. It is pure and simple. The people of Manitoba can see through this process. They understand what our honourable colleagues across the way are saying. They understand what this is all about. This is headline hunting. This is political opportunism. Nothing more, nothing less.

They are not concerned today about the merits of Bill 67. They are not concerned about the five years of long toil and work that went into the making of those new rules. They think that they have got a window of opportunity here that they can talk to the people that they think are listening to them, trying to pass some sort of disgrace on to the shoulders of our Speaker. You know what, Mr. Deputy Speaker? It will not wash.

The members in this Chamber are smarter than that. The people in the province of Manitoba can see through that.

In fact, there is not a modicum of merit to our honourable colleagues' position on this matter. I would, therefore, invite all the members of this Chamber to defeat this motion. In fact, I would invite our honourable colleagues across the way to withdraw this motion and save themselves the embarrassment which they will obviously have to deal with when they come to meet with their voters in their constituencies.

I thank you for the opportunity to put a few words on the record on this matter, because it boils down to the one fundamental issue of self-respect and honesty and living to your word. Thank you.

Mr. Tim Sale (Crescentwood): Mr. Deputy Speaker, there has been a very strong east wind blowing tonight, and I am going to try and do a little bit of clarifying of the fog that is coming from the revisionists on the opposite side of the House.

I am going to go straight to the rules that we passed and save some of the more, let us say, interpretive comments that I have to make for a little later in my remarks.

Why would the drafters of our rules use the word "normally" four times in the first four or five rules if

they did not think that there might arise at some occasion the need to depart from normally?

Let me just quote from the rules. The spring sittings will normally be 12 weeks or a part thereof and will conclude no later than the second Tuesday in June. Then it goes on to talk about, the fall sittings will normally be eight weeks or part thereof and will conclude no later than the last Thursday in November.

Mr. Deputy Speaker, I think there is a very good reason for that. That is because the needs of our province may require under certain circumstances that this House convene earlier than was anticipated by these rules. Was that provided for by the wise drafters? Yes, indeed it was. It says that under House subrule (4): "while the House is adjourned, if the Speaker is satisfied, after consultation with the government"—the Speaker does not even have to talk to the opposition, Mr. Deputy Speaker—"that the public interest requires that the House should meet at an earlier time."

That was provided for, so if there was an emergency, if there was a labour dispute or there was a serious flood, or there was some need to call the members in to deliberation earlier than contemplated by these new rules, that was provided for by the use of the term "normally."

* (2140)

What would happen, Mr. Deputy Speaker, if there was a situation where while the House was sitting, it became obvious to the government that there was a need to extend the sitting for some reason or other. Perhaps, I mean, just perhaps, let us just suppose that the government loaded the agenda with so many odious bills that there was no opportunity to fairly debate most of them, let alone all of them. The government put forward bills to regionalize our health care system, to abridge the rights of workers, to make our education system less fair and just, to attack teachers repeatedly in the hall and in this Chamber. The government put forward so many pieces of difficult and controversial legislation that it might just have occurred to the drafters that they might need to provide for another exigency, and that is that there was more time needed than had been planned for, so they said again that the

House may deviate from the sessional calendar outlined in Rules 2 and 3.

Subrule (4)(b) says that "while the House is in spring or fall sittings, if a motion to exceed the concluding dates specified in subrules (2) and (3) is passed by the House." Now subrule (2) says that the last sitting date will be the end of November. It seems to me that that is pretty clear.

The whole case of the government tonight and this afternoon hinges on their ability to get us looking at the memorandum of understanding on the assumption that there was some hole, some misdrafting in the rules as put before the House and as voted on by the House. They have been trying to pull us back to the memorandum of understanding, because they know very clearly the rules provided for the situation in which they found themselves and in which we found ourselves. The situation was that there was insufficient time.

Now, let us look at the issue of time for a few minutes. There is a clear procedure in the House that if the government wants to get a bill debated, the government House leader simply rises and calls the bill for debate. There are 23 members opposite in this party, and three Liberals. Twenty-six sitting days. If the Minister of the Telephone System--or actually it was really the Finance minister's bill. He certainly did all the work on it and did all the steering of it. All he had to do was rise any day, or every day, in the House and call that bill.

If we did not rise to debate it, what would happen? The bill would go to committee. That is what would happen. So it could have been sent to committee 26 days after the session began, 26 sitting days after the session began. If the Minister responsible for Telephones, if the government House leader, or if the Minister of Finance had been wise enough to realize that he needed to get this bill into committee, there was a mechanism for doing that.

Point of Order

Mr. Deputy Speaker: The honourable minister, on a point of order.

Hon. Linda McIntosh (Minister of Education and Training): Mr. Deputy Speaker, you can tell whether it is correctly a point of order or not. I think it is a point of order. If it is not, please tell me and I will not present it.

The fact is the government House leader only calls the bills that the opposition agrees to let him call because they decide that early in the day. I know sitting here every day, the opposition House leader would come over and say, call these bills. Government House leader would say, should I call this one, and he would say no. So he only called the ones the opposition wanted called. If we had called ones they had not given us permission to call, they would have been very, very angry. Is that a point of order to correct? Just there was incorrect information put on the record.

Mr. Deputy Speaker: The honourable minister did not have a point of order.

* * *

Mr. Sale: Thank you very much, Mr. Deputy Speaker. Not only did she not have a point of order, she did not have a point. Nor does she know the rules, obviously.

Now, let us look at the situation that the government found itself in. It had its centrepiece of legislation. It really wanted to privatize the telephone system in spite of the fact that it had promised not to do so publicly and repeatedly, in spite of the fact that the NDP's union friends, the Union of Manitoba Municipalities, disagreed violently with their proposal. In spite of the fact that polls showed that the public disagreed violently, they were bound and determined to get this legislation through. So, if they were so bound and determined to do so, the ready mechanism was to call that bill every day for debate, and 26 days later--

Mr. Deputy Speaker: Order, please. I hate to interrupt the honourable member, but I am having great difficulty at this time hearing the words that are being put on the record. Could I ask the honourable members who want to carry on a conversation, to do so in the loge or out in the hall. We have only 20 minutes left of this day.

The honourable member for Crescentwood, to continue.

(Madam Speaker in the Chair)

Mr. Sale: The mechanism was there. The House leader for whatever reason chose not to use it. So there was no hole in the rules in terms of getting the bill in for debate. Let us look at what might have happened, Madam Speaker.

The government found itself in the situation where it had neglected to call the bill for debate, and the end of session was approaching. The public was demanding to be heard; 183 against and 3 for, I think, was the final count. There was great, great concern about the heavy-handed and dictatorial approach that the government had taken on a number of issues. What could the government have done if they were so concerned about getting this bill through?

Well, Madam Speaker, on page 27 of our Provisional Rules, Section 43, Closure. Closure is here. The government was too cowardly to use closure. Even if they were too cowardly to use closure, they might have gone on and looked at the fact that there is another mechanism, and that is the previous motion. That is in here too, The Previous Question, Section 69.(1) and (2). They did not have to use closure. They could have moved the previous question and shut down debate piece by piece, section by section.

Finally, even Rule 102: Notwithstanding Rule 73, which refers to the passage of Estimates, and subject to the subrules (2) and (3), which are the rules in terms of how long the session will go and how it is to be extended, government bills will normally receive a vote no later than the last day of the fall sittings of the session. The last date is not even specified in that rule and could easily have been extended to be any date that you chose, any date that we chose, any date that the government chose to bring closure in.

We had a situation where you, Madam Speaker, demean your office by rising and leaping into a chasm that did not exist. The rules make clear provisions for the extraordinary circumstances in which longer than anticipated settings might be required—I have referred to that. Rules maintain the traditional tools of closure,

the traditional tools of the previous motion—I have referred to that.

If the government simply wanted to do a little softer process to speed things up, they could have used speed-up. They could have announced extra sittings. They could have sat through Saturday and Sunday. They could have sat every evening. They could have used any of those mechanisms to push the bill along. They were either too lazy, too ignorant of the rules, or more likely, they were feeling the heat from their constituents. Madam Speaker, because those constituents were calling us too. They were feeling the kind of analysis which has been referred to in a number of places in the media. Let me just read one into the record. This is from Friday, November 29. An analyst said, I think I would be a little less evenhanded now in how I would measure the damage here. I think Louise Dacquay is a big loser. It is not the office of the Speaker. She personally is who is damaged by all of this. She has lost the respect of authority she needs to run the House, and I think she has damaged her credibility as a future cabinet minister as well.

But what has happened to the opposition? Sure, it suffered some damage because the public does not like to see politicians fighting, but they were out there fighting for the public, which the government was supposed to represent and did not, because public opinion was with the opposition on this particular one. But what the government has done is it has put its critics in a position of being able to say that the government is unmasked by all of this.

The terms, the analyst goes on to say, "authoritarian," "antidemocratic," "dictatorial," have been ringing in the House for weeks over various kinds of bills that have been brought through that have centralized power in the Premier's Office or a minister's office. But it all could have been dismissed as rhetoric at any point, or at least an overstatement of what was happening, but this showed to the critics, this action by the Speaker, that this is a government that truly is antidemocratic because it basically suspended the democratic process in the House and the democratic rights of every opposition MLA for two solid days, and despite everything they did, just rammed through that bill.

* (2150)

That is what the public remembers. That is what the public understood was happening here, and it happened, Madam Speaker, because you leapt into a breach in the rules which did not exist. You leapt in to solve a problem which did not exist.

Let us just rerun that day when the former House leader got up and said, I would like you to clarify the rules in regard to the end of session. Let us just run that back and think about what might have happened if you had stood up and you had said to the House, well, honourable members, there are a variety of tools available to you. You as House leader could move closure; the Minister responsible for MTS could move closure; you as House leader could move extended sittings; you as House leader could move the previous question; you as House leader have a number of tools available to you including the giving of notice on the Order Paper and two days later moving a motion to extend the sitting.

If you had gotten up, Madam Speaker, and done your homework, simply done your homework, and said the rules provide for this situation. It is just that you have to take some responsibility for them, it is just that you have got to have the intestinal fortitude as a government to stand up and say we are committed to this legislation, and we will pass it even if it requires closure. Of course, we would have objected. Closure is an odious way to get anything done in a democratic state, but it would have been legal. It would have been according to the rules, and your office would not have been demeaned by your actions of putting yourself in the place of writing the rules and ignoring the careful drafting that was done by that committee that worked for five years and then shaped their memorandum into solid, clear rules of procedure that provided for everything that happened in this session, that did not leave that hole which you talked about.

You know, Madam Speaker, one of the things about your ruling that rang most hollow, that rang most faults, was when you said that there had been no agreement between the House leaders. Well, now, how would you suppose such an agreement might happen? How would you think that might occur? Well, one thing that might happen would be that the government House leader might formally approach the opposition House leader and ask for a meeting sometime reasonably early in the

session and sit down and work through some possible scenarios. Maybe even a little later in the session the government House leader might have approached our House leader and said, look, we have got to have a talk about the MTS bill, or you might even have suggested that they meet, rather than simply imposing your vision of how to solve this problem and suspend democratic procedures and suspend my rights and the rights of everyone on this side of the Chamber.

You had innumerable options other than the ruling that you gave which is such a sad precedent. Fortunately the rules on which you presented your findings are no longer our rules, so at least in that sense there is a little bit of safety in your rather regrettable ruling because they apply to rules which no longer are in force.

So, Madam Speaker, I want to say in the initial section of my comments that basically you leapt into a situation that did not exist and invented a crisis and a problem that was not there; and you, by doing that, resolved our rules into a situation whereby the rights of all of this side of the House were expunged. We had members opposite, the member for River Heights (Mr. Radcliffe), talking about histrionics. It got a little confused between catatonic and histrionic. It was a little tricky to find out how you could do both at the same time.

Well, Madam Speaker, when you turn your back on one side of the House, when you abridge the most fundamental right, the right of privilege, when you look only at one side of the House and when the government House leader, like a jack-in-the-box, pops up and you pop down and you pop up and he sits down, and we cannot catch your eye, and we apparently cannot catch your ear either, is it so hard to understand that we might be so fearful that democracy was hanging in the balance that we might go and say, hey, hello, I am here? It does not seem to me that was particularly violent or histrionic. The histrionics were probably in your turning your back and refusing to open your left ear so that it could hear the cries from this side of the House for a matter of privilege, the most precious right that any member has.

Let us look at the actual events of the 7th and 8th of November. I was privileged to sit in the committee that

heard the many public presentations and then considered the bill clause by clause. There were about 80 hours of committee hearings and I was at 70 of them. It was a wonderful, wonderful opportunity to see democracy in at least some form in action and see the public expressing their deeply held concerns.

But, Madam Speaker, what actually was the key thing that was happening in that last day? Well, the now Minister of Health and the Minister of Finance know. I give some credit to the member for Sturgeon Creek (Mr. McAlpine) who, behind the scenes to a fair extent, also knew there was a serious problem, and that is that the 1,400 retired workers from the Manitoba Telephone System's pension rights were hanging in the balance, that the Manitoba Telephone System had failed and refused and stonewalled on resolving very serious pension issues including issues of pension surplus, COLA protection, governance, and other central issues to any pension plan. They were not in a position to even have the amendments regarding pensions before the committee before the night of November 7.

Now, according to government's initial reading of the rules, November 7 was a magic date. That was the date we were to adjourn, and when we did not adjourn that date the Premier bounced out in the hall in his pious pugilistic best and said that the rules were off and we are ripping them up, and, son of a gun, the committee met the next morning. Now, why did it have to meet the next morning? Well, it had to meet the next morning because the work of the previous night was not finished. The government had not got its amendments in order. The government had not got its pension agreement, its memorandum—which it has subsequently broken by the way, and I will speak more about that—it had not got its pension memorandum signed and read into the record until 10:30 at night, some five hours after the scheduled adjournment time.

So, Madam Speaker, it was not this side of the House that stopped the government from reaching a fair agreement with its workers, and I give some credit to the member for Sturgeon Creek (Mr. McAlpine) who I believe was prepared to lobby very strongly with his Premier for fair treatment of workers, and I believe that he did that and I give him credit for that. But the fact that he had to do that tells this House and tells every retired worker that they were not going to get a fair

shake from this government, they were not going to get a fair shake from Manitoba telco in regard to their pension.

Madam Speaker, in that pension memorandum which the Minister of Finance and the Minister of Health signed, and the Minister of Health ran down the hall with the memorandum in his hand saying, peace in our time, and was so pleased that we were going to finally have an agreement, but when the union representatives looked at it they said there are some problems here, folks. There are some problems here.

One of the things that memorandum committed the government to doing was providing equal governance, equal representation on governance of this \$740 million pension plan, a pension plan that was worth almost as much as the sale of the company.

Madam Speaker, when we get into this issue a little later in the House, in this sitting of the House. The House will discover that the government has not provided for equal representation. It has not dealt adequately with the question of future COLA protection. The actuaries for the workers have not had access to the numbers yet, and yet the pension plan has gone to Ottawa to be registered. That is the kind of injustice with which we were dealing on November 7 in which government members were frantically running around all through the night trying to get an agreement so they could get their precious legislation passed and they did not have their homework done on November 7, so let them not blame this side of the House for the fact that after months of negotiation they had still not dealt fairly with the pension issue for the retired workers of the Manitoba Telephone System.

Madam Speaker, I listened this morning on CBC radio. It is apparently the Premier's favourite station too because he had a puff piece interview, and I want to quote his words. He says in response to a question, well, you know, in areas where I have some control and responsibility, I think all you have to do is look at our side of the House and see how our side conducted themselves during that last very bitter and difficult week, and the fact is they conducted themselves with a great deal of dignity and a great deal of decorum, and they did not contribute to the terribly ill behaviour that went on. This from the little man that bounced around

behind here, called my colleague a name which will not bear repeating here, called him that name three times referring to the posterior of the anatomy, and then proceeded to threaten me in a way that would be criminal if it were done outside. [interjection] No, not poor me. The Minister of Justice (Mr. Toews), that good member for Rossmere, says poor me. Not at all. You see I think that in this situation the loser in this situation was the Premier over and over again because Manitobans not only do not appreciate bad behaviour on the part of all of us, they certainly do not appreciate a Premier who calls an honourable member a name that bears not repeating and threatens criminal assault on another member. That is not the kind of behaviour that

Manitobans condone. It is not the kind of behaviour that the Minister of Justice should be laughing at because he is the minister responsible to uphold zero tolerance on violence. He is the minister who is supposed to not suggest that men in particular should make threats of this nature.

Madam Speaker: Order, please. When this matter is again before the House the honourable member for Crescentwood will have 15 minutes remaining.

The hour being 10 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, March 3, 1997

CONTENTS

Matter of Privilege

Struthers	47
Filmon	47
Lathlin	55
Radcliffe	57
Sale	62