

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Thursday, March 21, 1968

MR. CHAIRMAN: Before we proceed, I'd like to draw the attention of the members of the Committee to the gallery on my right where we have 100 students of Grade 11 standing of the Transcona Collegiate. These students are under the direction of Mr. McEwen and Mrs. Rempel. This school is located in the Constituency of the Honourable Member for Radisson. On behalf of Mr. Speaker, and Members of the Committee I welcome you all here. Committee proceed. The Honourable the Leader of the NDP Party.

MR. PAULLEY: Mr. Chairman, if you recall just before you called it 5:30 we were considering Page 33A of the Proposed Rules. May I first of all thank you for the invitation you have made to citizens of a certain very progressive city in the Province of Manitoba. And may I say, Mr. Chairman, that the young men and women who grace the gallery this evening particularly asked me to convey to the First Minister of Manitoba their appreciation of having an opportunity of looking down upon him, figuratively speaking, and they trust and hope that there won't be too many fights between the First Minister and myself this evening.

Mr. Chairman, when the Committee on the Rules of the House were considering the matter of Addresses for Papers and Orders for Return we arrived at the proposition that we have before us, namely, that if there is to be a debate on an Address for Papers or for an Order for Return that the time of debating that particular matter should be transferred on the Order Paper to private members' days. And while we have not too much objection to certain considerations respecting the debating of questions on the Address for Papers and Orders for Return, we feel that if there is a debate on the matter that rather than that debate being transferred to private members' days the debate should take place at the time that it arises, and we want to offer for the consideration of the House what we feel is a compromise to the suggested rules.

We're proposing that if a Minister, or somebody acting on behalf of the government, is prepared to accept an Order for Return, that there be no debate at all, and that the order then for the return or the address for papers becomes part and parcel of an adopted matter. However, if there is going to be a debate that the debate should take place at that particular time. Now we appreciate the fact that one of the reasons behind the proposed proposition of where there is a debate transferring it to private members' day is because of the fact that on a considerable number of occasions debate has taken place on government days and used up government time; and it is also the proposition that it is usually a private member who is seeking the information by way of an Order for Return or an Address for Papers, and that should take place only on private members' days. This we reject. We don't think that it is fair because the private members only have two half days in which to debate their resolutions and we feel that everyone— and by everyone I mean government as well as private members — should share in the time allocated for debate on Orders for Return or for Addresses for Papers.

So I want to make a suggestion, Mr. Chairman, that there be a change made on Page 33A in the Proposed Rules. I would like to submit for the consideration of the Committee that sub-rule (1) as proposed be amended by eliminating all the words following the words "address for papers" appearing in the second line thereof and substituting the following: "same shall be debated as a substantive motion unless the government indicates acceptance thereof in which case there shall be no debate." Secondly, that the following words be inserted in the first line of sub-rule (2) immediately following the word sub-rule (1) "the mere moving of a motion, etc. shall not be construed as taking part in a debate." In other words if the mover of a motion for an Order for Return or Address for Papers states that and the government rejects it, the propositions which we have before us will still apply. If I make myself clear.

MR. LYON: Mr. Chairman, I wonder if I could ask for a clarification from my honourable friend. Did I understand him correctly to say that if the government were to accept the Order and to give some such indication to the House that that would then in effect have the effect of nullifying any further debate. So the government in effect then would have a veto on debate. --(Interjection)-- The government would have a veto on debate?

MR. PAULLEY: No, not necessarily, it wouldn't be a veto on debate, Mr. Chairman, at all. It would be an acceptance on our part. That if the government is prepared to give us the information that we're seeking, then we don't need to debate it. It's not a question of giving any powers of veto to the government. As a matter of fact, Mr. Chairman, I would suggest that it would work the reverse, that the government would be more reluctant, or not

(MR. PAULLEY cont'd)... be quite so ready to veto requests for Orders of Return because there wouldn't be a debate, in order to expedite the business of the House. This is our proposition and I might say that the proposition that we are making at this particular time I think should find more acceptance with government than the present proposition.

MR. MOLGAT: Mr. Chairman, could we have that motion read again, so that we can fit it into exactly the rule as we have it.

MR. CHAIRMAN: The motion before the Committee, that sub-rule (1) as proposed be amended by eliminating all the words following the words "address for papers" appearing in the second line thereof and substituting the following: "Same shall be debated as a substantive motion unless the government indicates acceptance thereof in which case there shall be no debate. That is subsection (1). Subsection (2): That the following words be inserted in the first line of subsection rule 2 immediately following the words "sub-rule", "the mere moving of the motion or -- correct? --(Interjection)-- I'll change this. You have sub-rule (2) here.

MR. SAUL M. CHERNIACK, Q. C. (St. John's): Would you read that again?

MR. CHAIRMAN: I'm reading now the second part of the motion. "That the following words be inserted in the first line of sub-rule (2) immediately following the words "sub-rule (1)"

MR. CHERNIACK: That's right, sub-rule (1).

MR. CHAIRMAN: The mere moving of the motions or, -- correct?

MR. CHERNIACK: Yes.

MR. CHAIRMAN: Are you ready for the question?

MR. MOLGAT: Mr. Chairman, this seems to me to be a departure from the discussion that we had in the committee stage and while I recognize that the discussions in committee didn't bind any of the members there and that they are free to come out with new proposals now, it was my understanding in committee that we had come to an agreement on the rule as it is before us - and I'll frankly admit that I preferred to have the situation where if there was a debate regardless of when it came up the debate could be held at that time. But in fairness to both sides of the House, the Government side and the Opposition side, it appeared to me at that time that there was a concession made by both groups and that rather than move to the position where there would be no debate whatever on Address for Papers or Orders for Returns in view of the fact that these are basically private member motions, if we might call them such, that the members on this side of the House, both in my group and the group to my left, had agreed that this could properly come up on private members' day.

The government proposal as I recall it initially is that there was to be no debate on these matters; it wasn't that firm, but this was the terms roughly of the discussion and that we had arrived at a compromise that if there was to be a debate it would be on private members' day. Well the proposal now advanced by the Leader of the New Democratic Party would in effect remove from the Opposition any right to a debate. If the Opposition presented an Address or an Order for Return and the government merely got up and said, "We accept it," there would be no possibility for a member on this side to speak on it, and this I think would be a bad step because basically these are substantive motions and as any substantive motion are open to debate. So I frankly could not support this present proposition. If the government were prepared to consider leaving the rule as it is now, that an Order for Return or an Address for Papers is debatable at any time when it's presented, I'm prepared to accept that. If that isn't agreeable and we reach a compromise it can only be done on private members' days I'm prepared to accept that. But I'm not prepared to accept that they not be debatable by decision of the government alone.

MR. FROESE: Mr. Chairman, I would agree with the last speaker, that I couldn't go along with the amendment. After all if a motion of that type is made you couldn't not amend it if the government agreed to it. I feel that this should be open to amendment so that we could discuss it. I certainly can't go along with the proposition.

MR. GREEN: Mr. Speaker, I -- Mr. Chairman rather, I would like to clarify the suggestion that the Opposition is here giving up an opportunity to debate. I think quite the contrary is true. What the present proposition is before the House is that if there is a motion for an Order for Return and it results in a debate that debate will take place during private members' time which will inhibit the amount of debating that takes place on private members' bills. What we are suggesting is that if there is a motion for an Order for Return and the government accepts it then what is the motion? The motion is that papers be delivered and

(MR. GREEN cont'd)... the government says they are going to do it and when there is no issue the delivery of papers, it seems to me, can take place without debate. Now, the honourable members will then feel that somehow where they used to be able to speak on these orders, they are no longer able to do so.

I question whether the Leader of the Opposition really lacks that ingenuity which he would apparently confess to if he takes that position. What has usually happened in my experience on these Orders is that when we are asking for a Return we are really in debating it making a position as to why these papers should be returned and are usually criticizing the area where the papers are to come from, and that can be done by, instead of asking for an Order for Return, by putting whatever you intend to say in the form of a resolution, put it on the private members' day, which is what you're going to use up that time anyway. You can put whatever you want to say in the form of a resolution; you can debate that resolution, you haven't lost anything, whereas what we are doing now is losing private members' time. Now my honourable friend the Member for Rhineland says he won't be able to amend it. Well surely he has more ingenuity than he just displayed. If an Order for Return is put in and he feels it should be amended he can put in an Order for Return the next day with the papers that he seeks and if the government yields and says, "These papers will be delivered," then there is no issue; and where there is no issue between the opposition and government and we can move the House along, and all we're asking for is papers, then those papers will be delivered and nobody's time will be wasted.

Now I want to reiterate because I think it's very important that I -- I as a member of the opposition don't wish to yield any opposition time for debate but I say that if I'm going to use up private members' time by what is now the proposal before the House I would sooner put whatever I wanted to say in the form of a resolution, get it on to the private members' resolutions and debate it at that time. I haven't yielded one second of debate. What I run the risk of at present is to have an Order for Return framed in such manner as to take precedence to a previous resolution that has been put by a private member on the Order Paper. Let's say we follow the present system - that is the one that the committee has now suggested and let us say that one of the honourable members has a resolution which is listed let's say seventh or eighth on the Order Paper. Another honourable member can move an Order for Return, have that appear as No. 1 on the Order Paper and have that debate take place before the resolution is reached. So we see this, Mr. Chairman, really as a system for debating what are the issues and if a motion for papers is requested and if the government is willing to comply with the motion the papers are given and there is no issue. If they're not prepared then we want to use the government, the regular time of the House to debate that question. If we have something which we wish to debate, which we have done hitherto on the basis of an Order for Return of Papers, we can put it into a resolution and debate it on private members' days and we won't lose any time for this side of the House.

MR. PAULLEY: Mr. Chairman, if I may, for purposes of clarification for my honourable friend the Leader of the Liberal Party, refer to the minutes of the meeting of February 29th which I believe was the last meeting held by the Committee, at which my honourable friend unfortunately was not present, and if my honourable friend and the members of the Committee would bear with me while I read the first portion of the minutes of that meeting. It states as follows: "Mr. Paulley informed the Committee that the proposed rule with respect to debates on Addresses for Papers and Orders for Return was not acceptable to his Party inasmuch as a debate had to be postponed should a Minister decline to comply with an Order. Mr. Paulley felt that the debate should take place at once instead of being transferred on the subsequent Order Papers for debate at the next sitting at which private members business takes precedence."

Now in addition to that, Mr. Chairman, I think that I am properly stating the position of my Party when I said that we always reserved the right to make suggestions and other propositions, which we're doing at this time. And I'm sure that the Leader of the Opposition would agree with that contention and there's no argument there.

Mr. Chairman, we're not going to press this matter. We thought that we were being really statesmanlike in offering a compromise to expedite the business of the House. However, I appreciate very very much that as the Leader of the Opposition has stated, that the committee has given a great deal of consideration to all aspects of the rules - there were some of the rules, I'm sure, that he along with me, would like to have changed but in the spirit of trying

(MR. PAULLEY cont'd)... to arrive at a set of ground rules that would be acceptable, we made concessions and I'm sure members of the government who were on the committee also did likewise.

So I say, Mr. Chairman, we're not pressing at this particular time, even though you have a motion, I don't think that I should withdraw it, we're not pressing for our proposition and insisting or attempting to insist, if it's possible for us to insist, but I would respectfully suggest that it is a reasonable proposition, one which would expedite the business of the House, and if it's not accepted now may I suggest that consideration be given to the intent behind the proposition before the House.

MR. SPEAKER: Are you ready for the question.

MR. LYON: The amendment that's put forward by the Leader of the New Democratic Party is an interesting one -- and I say that advisedly because I consider it against the background of the general discussion that we had in the committee with respect to what I think was the universal desire of all members of the House to obviate the repetition of debate that occurs on all sides of the House during the course of the session -- and at the same time I think there was a genuine desire on the part of the government and the opposition members to ensure, so much as we could, that private members' time would be freed up from, for instance, government motions such as third readings and there have been debates on that particular procedure over the last two or three years although my recollection is that the custom and the usage of the House as borne out by the rules certainly has been that third readings could appear on private members' day and be dealt with. Notwithstanding that, we could see the merit of the argument advanced by the Member for Lakeside and I believe the Leader of the New Democratic Party as well that this could erode into private members' time and as a result we agreed to the changing of the rule as we find it in the schedule which would put third readings of bills back on to government days and end that particular problem, I hope, for ever.

At the same time we advanced the suggestion with respect to Addresses for Papers and Orders for Return for consideration by the committee with this thought in mind that basically the purpose of the motion is to elicit information whether it's papers or whether it's statistical information that is not otherwise readily available to honourable members of the House. But in recent years we've been running into a dichotomy of purpose of the Address for Papers or the Order for Return because on some occasions it appeared that it was not being advanced -- and I say this with respect -- so much for the garnering of information as it was as a vehicle for debate and I think there was some discussion about this and there was agreement that there had been a new practice building up with respect to Orders for Returns and Addresses for Papers being used rather as a vehicle for debate than -- that is more primarily for a vehicle for debate than for the obtaining of information. It was with this thought in mind and basically to cut down on the repetition of debate, that can occur under these proceedings, that we advanced the proposition, I think first of all based on the Ottawa precedent which is that Orders for Return and Addresses for Papers, a certain set period is set aside each week, I think it's two hours each week, which comes immediately before the private bill sessions of that House, at which time these matters would all be dealt with. That was our original proposition, that these should not even appear on the Order Paper except on private members' day.

There was objection taken by the opposition; we discussed it further and there was compromise arrived at whereby we said that well, these should appear, could appear on five days of the week but if there was any debate arising that debate must swing over to private members' day. I could be wrong but I gathered the impression from the committee that there was some desire there from all parties represented to make sure that we didn't needlessly repeat on Orders for Return debate which could take place through other means, that is through private resolutions, as mentioned by the Member for Inkster, or through debate on the estimates. And recently, under the present system, as unchanged, we've seen as example, I think recently of some questions being asked with respect to the Information Service and a debate took place on an Order for Return which was accepted by the government. Now that same matter undoubtedly is going to be debated through estimates. --(Interjection)-- Well I'm presuming that. It can be in any case. And also unless I'm mistaken I think there is a resolution also on the Order Paper with respect to the same matter so here are three separate occasions on which the same matter is going to be debated -- and I'm sure intelligently and I'm sure with some effect and so on -- but I sometimes wonder and I just raise the

(MR. LYON cont'd)... question for the House if this isn't a prime laboratory example of what we're trying to get rid of in terms of expediting the debates of the House.

I must confess that at first blush I see some merit to the motion that is suggested by the Honourable the Leader of the New Democratic Party and I wonder if it would meet with agreement, because I don't want to delay the procedure in the committee, if we could leave the motion outstanding, let us have an opportunity to take a look at it and perhaps assess it, make sure that we know all of the ramifications of it on all sides of the House and then come back, because it must be remembered that the amendment that we're dealing with on Page 33A was something that was discussed and debated for some two or three hours as I recall before we arrived at this compromise. And as I say I can see considerable merit in it; I'd just like to have the further opportunity to take another look at it. As with so many things that my honourable friend from Radisson suggests, there is merit to this and I think we should give it the consideration that it deserves and perhaps carry on and then come back to this point either tonight or when the committee next meets.

MR. MOLGAT: Mr. Chairman, I really think that we would have to have another look at the amendment proposed because when you read it, as I'm trying to in the light of the whole thing inserting the new words and deleting the proposed, this would really mean that where a debate arises on a motion for an Order for Return or Address for Papers, same shall be debated as a substantive motion unless the government indicates exceptions thereof in which case there shall be no debate. Now skipping then -- the other words are removed -- we go, "for the purpose of sub-rule (1) the mere moving of the motion or" -- these are the new words added -- "an indication by a Minister of the Government: (a) accepts an Order for Return or an Address for Papers; or (b) accepts an Order for Return subject to conditions; or (c) does not accept an Order for Return, shall be deemed not to be a debate." Now wouldn't this leave us in the position that if a Minister opposite got up and, as happened yesterday where the Provincial Treasurer indicated some reservations, this would mean that members on this side of the House couldn't reply. --(Interjection)-- No. No, not the way your motion reads.

MR. CHERNIACK: If I may -- (Interjection)--

MR. MOLGAT: Ah, because the way the motion reads it specifically says "that an indication by a Minister that the government (a), (b), (c) does not constitute a debate."

MR. GREEN: Well it means he hasn't spoken during the debate. It means he can still speak. That's all.

MR. MOLGAT: No, not the way it reads now. I think if you follow through your amendment it really means that if the government accepts subject to conditions or does not accept then there's no alternative on this side, we have no means of debating it.

A MEMBER: That's wrong.

MR. MOLGAT: Well it may not be the intent but I think if you'll read your wording this is what happens.

MR. CHERNIACK: Mr. Chairman, if I may. I'm only rising to speak for two reasons. One is that I confess that although this idea is not necessarily mine alone, and it isn't mine alone, I did design the structure of the wording and I still think it's correctly done. As I envision it, a person asking for an Order for Return will move it, the Speaker will read out the Order for Return, ask for the question. At that stage the mover would normally have the right to speak. If, however, a Minister gets up and says, "We accept," then as far as I can see that ends debate. If, however, he says, "We do not accept it," or "We want to vary it," then that does not preclude him from speaking later, but by the same token we feel that the mover should then have the right to stand up and make his speech and that's why it was designed in that way. I think that's clear. However, Mr. Chairman, in our Party in our experience here we find that both of the other parties are not prone to accept anything at first blush when it's presented to them by us. We also find that they are prone to accept eventually those proposals and propositions we bring to them. So I admit that this is new and radical to them and therefore they are wary about it and I would suggest that we go about our business and not use this as an excuse to delay completing the rules. Let's vote on this issue; let's settle it; let's complete our work and we'll come back to revising rules, reviewing rules and no doubt at that time this will be an acceptable proposal.

MR. MOLGAT: What my honourable friend is saying is that he realizes that his amendment does not do what he intended to say, and he's now trying to blame other people in the

(MR. MOLGAT cont'd)... House for his poor wording, Mr. Chairman.

MR. PAULLEY: Mr. Chairman, I was going to suggest --I had a short conference with my colleagues and I was --(Interjection)-- Well yes and possibly it might be a good time to take the Leader of the Opposition out into the corridor and let him know the facts of life and let him know what the wording of the amendment is because apparently it can't penetrate the skull of my honourable friend and I'm sure --(Interjection)-- Oh read it, certainly. I would suggest to my honourable friend that he read it and use some of his intellect, and he has lots of it, in a proper interpretation of the amendment as proposed.

I was going to say, Mr. Chairman, at one stage I thought well in view of the fact as my colleague from St. John's has just said that maybe this is too radical, too new for my friends opposite and to friends to my right, that maybe we'd better withdraw it for the time being and some day bring it up again. But in view of the challenges from my honourable friends to the right and my friends opposite who apparently are not prepared to accept our proposition, I'm not going to withdraw it and, Mr. Chairman, the matter can be debated, or the other alternative if my honourable friend opposite, the House leader, wants time to consider it, let him adjourn the debate; let him have a conclave with his caucus or his advisers and maybe in the interim even the Honourable the Leader of the Opposition may want to talk to somebody more knowledgeable in the manner in which amendments are made, consider the matter and then we can consider it at another date. This is my suggestion now.

MR. LYON: ... far from rejecting it, we're merely asking for some clarification. I thought I had made it abundantly clear that I thought that the proposed amendment had a fair amount of merit to it. I suffer from the disability unfortunately of not even having a copy of the amendment in front of me but that's -- I'm not looking for apologies but I do think, I reiterate -- I'm sorry.

MR. CHAIRMAN: I wonder if we could just have a little less noise in the Committee. It's pretty difficult to get what the speakers are saying. The Attorney-General.

MR. LYON: I wonder if we could find some agreement for the suggestion that we -- as we have done in Committee before with various of these rules -- that we have an opportunity to actually fit the amendment in physically, take a look at it and see if it accomplishes exactly what my honourable friend thinks it accomplishes or alternatively if it accomplishes what I think the Leader of the Opposition believes it accomplishes so that we can then make an intelligent decision when we come to vote. I don't want to vote on a pig in a poke and my honourable friend wouldn't want anybody in the House to do that at all. I think that suggestion of mine was intended to give us an opportunity to look at the merit of the amendment and if that is the case perhaps we could get some agreement to ask Mr. Chairman to call Pages 34 down to the end and then we can come back either tonight or tomorrow and take another look at it.

MR. PAULLEY: ... ask, Mr. Chairman, that this be done and ask the indulgence of the Committee to have the proposition made by myself and by half of my group held in Committee for the time being?

MR. CHAIRMAN: Is it agreed...

MR. PAULLEY: If I may, Mr. Chairman, get back to the proposition. Actually the fault is because my learned friend on my left didn't really take penmanship when he was in law school, that might be causing the confusion.

MR. FROESE: Mr. Chairman, I do not agree with the proposition that is being made. For one thing it cannot be amended because if the Minister accepts it, that's the end of it and there is no further debate and there is no opportunity to amend it. Secondly, once the Order is presented private members have no way of getting information except on points of order and so on and I feel that...

MR. CHAIRMAN: Order! Is it not my understanding that the motion be held over and that we pass over 33A?

MR. FROESE: No we hadn't voted on it, Mr. Chairman, so I have a right to speak. My second point was the matter of getting information, because Orders for Return can be of a nature that they're not clearly spelled out and that members might have different interpretations and so on on this point as well. Then thirdly, as the rules now stand or the proposed rule that is on the Order Paper, once they become debatable they would be extended to private members' days and this could drag out some of these Orders for Return for a long period of time. I'm not sure whether to go along at all with keeping this under consideration

(MR. FROESE cont'd)... here at this particular time either.

MR. LYON: I wonder if I could ask one small point for clarification. The Honourable Member for St. John's said that if a Minister made some qualification with respect to an Order that that qualification would be treated as the initiation of a debate. Do I understand him correctly?

MR. CHERNIACK: Yes, I would say yes. I've looked at it again, it still reads correctly to me. What it says is that --let me read it: "Where a debate arises on a motion for and Order for Return or Address for Papers, same shall be debated as a substantive motion (which is what it is now) unless the government indicates acceptance thereof". Now that's not qualification, that's acceptance thereof --"in which case there shall be no debate". And what we thought was seriously that we shouldn't require the right to debate a matter which is acceptable and which means we've asked for information, you're going to give it to us.

Then we took the position that the mere fact, just as it says in Sub-rule 2, that the mere fact that the government accepts an order a Minister gets up and says: "I accept the order" should not mean that he has lost his right to debate. By the same token we felt that the mover who gets up and says: "I move so and so" and sits down should not lose his right to debate if the Minister does not accept the motion as it is presented. Therefore, the way I envisioned it, and I agree that I just wrote out what I thought was the way it described it - I still think it's right - that the mover would get up, make the motion, sit down; the Minister would get up and he would say: "I accept it", and that's the end of that. If the minister says: "I would accept it with certain qualifications, or I do not accept it", then the mover, the mover would have the right, would not have lost his right to debate, but would then under Sub-rule 2 as amended get up and make his speech. Now --(Interjection)-- My Leader thinks that I should have suggested the elimination of Sub-rule 2(a) --(Interjection)-- I see, I see. Then the concept is that the Minister might want to debate it even though the mover doesn't have the right to -- well, all right...

MR. MOLGAT: That's the problem.

MR. CHERNIACK: It may be that that's what it means.

MR. GREEN: Mr. Chairman, I just wanted to make one small short qualification. I think we have to leave a residue for common sense. Let's say I move an Order for Return, the Attorney-General says: "I'll accept it, but I can't do this," and if I say: "Well, that's fine", then that's still no debate. But if I say: "No, that's the real issue", then we are in a debate. It depends on whether there is an issue between the person asking for the order and the government.

MR. FROESE: Mr. Chairman, there's another point to consider and that is if an Order for Return is presented, if another private member gets up before the Minister gets up and starts debating it, what happens then?

MR. LYON: Mr. Chairman, if there is some agreement, perhaps we could agree to leave this motion outstanding and come back to the subject matter when we've had an opportunity to look at it.

MR. CHAIRMAN: Agreed.

MR. CMAPBELL: That would include the whole of Page 33A, would it?

MR. CHAIRMAN: Yes. Page 34 - passed; Page 35 - passed.

MR. LYON: Mr. Chairman, there's one small point on Page 36 that I don't believe was dealt with by the committee, and it did come to my attention afterward. This was in Rule 103, subsection 1, clause (b), which now reads: "At least once in each week during two weeks in an issue of a newspaper published in English". Now, I raise the question as to what kind of a newspaper we are looking for here, there might be a problem of such an advertisement being published in a weekly newspaper for instance that has a very limited circulation which might not reach the eyes or the attention of people broadly across the province who might well be interested in the bill. I'm really at a loss to know the exact words that we should put in to have this mean in effect a metropolitan daily which has the widest circulation of any newspaper that I'm aware of. I think this was the obvious intent of the committee but I don't think we succeeded in putting it into words properly. I just wonder if the point commends itself to honourable members whether we should just clarify it. --(Interjection)-- Well, here in the amendment.

MR. PAULLEY: I think the intent was one of the large newspapers, not simply "a" paper, because it could be some "bugle" in some place that hasn't any circulation at all. I think the intent was one of the papers that has a large circulation.

MR. LYON: I noted that we hardly changed the wording from the previous section and I'm sure the Clerk could tell us that he's had very little trouble, but I wonder if to make certainly double sure we should perhaps say: "In a daily newspaper having broad circulation in Manitoba", without restricting it to the two known dailies in Winnipeg. If there is some agreement, some thought that that point has merit, perhaps I could move, Mr. Chairman, that Clause (b) of subsection 1 of Section 103 be amended by inserting the words after the word "newspaper" in the second line thereof, the words: "having a broad circulation in the province." Now that's very quick language, "having wide circulation in the province", or words to that effect. My grammar isn't so terribly good, perhaps those words should really be inserted after the word "English". Would that make it read better? It would say then: "At least one in each week during two weeks in an issue of a newspaper published in English and having wide circulation in the province". I'll write that out.

Mr. Chairman, then I would move that Section 103, subsection 1, clause (b) be amended by adding at the end thereof the words: "And having wide circulation in the province."

MR. CHAIRMAN: Are you ready for the question?

MR. CAMPBELL: Wouldn't it be a good idea, Mr. Chairman, if we followed the procedure that we did in the committee in two or three instances and that is we accept this in principle and leave it to the Law Officer to be sure that he agrees. I'd be prepared. . .

MR. CHAIRMAN: Agreed? (Pages 36 to 44 were read and passed.)

MR. PAULLEY: . . . on 33A.

MR. CHAIRMAN: Committee rise.

MR. LYON: Mr. Chairman, there is the preamble of the report which dealt with the question of the permanent Speaker which I presume if we're accepting the report we would deal with the preamble and the words dealing with the permanent Speaker, unless there was some other thought.

MR. CAMPBELL: Mr. Chairman, it is not my intention as the one who sponsored the proposal in committee to debate it at length at this time. I think that I have put myself sufficiently on record on the matter that I do not need to reiterate what I've already said --- and I must say, Mr. Chairman, that I have the feeling that we have made a certain amount of progress in this committee because I'm reading now from the report as it appears in Hansard No. 2, Page 5, and here is what the committee reports: "The Committee thoroughly considered the question of continuity of office for the Speaker. Many valuable opinions were exchanged among all members of the Committee. It was agreed that the principle of continuity of office for the Speaker is a most desirable goal. However, the committee was unable to reach any unanimous recommendation as to its implementation. The committee therefore recommends that discussions continue among the parties of the House leading toward the acceptance of some feasible mode of ensuring that a Speaker once elected should normally be re-elected at subsequent Legislatures".

As far as I'm concerned, Mr. Chairman, I think that represents accurately what happened in the committee. I did my best and with the support of my Leader and - we did have some other support, yes. Well, everybody else can speak for themselves if they wish, but I did at least my level best to get the principle which had already been adopted by the House here to be re-adopted by the committee, as it has been, and then to present to the House a proposal under which that principle could be implemented. That also is contained in - the proposal that I made is contained in the records of the committee and I don't intend to say anything further about it at this time. I just reiterate the one matter that is contained in the minutes of the last meeting of the committee to which the honourable the Leader of the New Democratic Party has already referred and this is all that I'd be prepared to say at the present time, Mr. Chairman. I'm reading now from the minutes of the last meeting of the committee: "Mr. Campbell explained his views with respect to his draft. He emphasized that the House had already approved the principle of the Speaker being continued in office through successive legislatures and government and that this committee was instructed to try to work out a procedure to implement that principle. Consequently he had drafted the proposal which is now before the committee and included in the minutes covering the committee's meeting of January 19, 1968. Mr. Campbell stressed the point that in his opinion a basic requirement in establishing this permanent Speaker tradition is that there be prior consultation and agreement among all parties in the House when the Speaker is first chosen".

Mr. Chairman, I really do believe that to be a basic principle and I am very hopeful

(MR. CAMPBELL cont'd)...from the attention that was given to the matter combined with the obvious merit of the proposal that it will not be too long before the principle is adopted by this Legislative Assembly.

MR. PAULLEY: Mr. Chairman, may I also as a member of that committee make a remark or two. I think my first remarks are really those that are contained within the minutes that the Honourable Member for Lakeside just referred to, the minutes of the meeting of February 29th, wherein I am quoted, and quite properly and quite sincerely, as saying that: Mr. Paulley expressed his thanks to Mr. Campbell for bringing his report forward and that I supported the report only to a certain degree. I agree with the final remarks that my honourable friend from Lakeside when he states that some progress has been made and I trust and hope that after a new Assembly has been elected that prior to the choosing of a Speaker for that Assembly that there will be consultation in an endeavor to reach agreement between the representatives of the various parties that may be members of the next Assembly.

I differed in the proposition that was sponsored by my honourable friend insofar as the person, and I don't mean the individual, of the type of person who should occupy the presiding Chair in the Assembly. It is my opinion that possibly if we want permanency of a person to guide the destiny of our House that it should be a person completely removed from the field of politics; somebody of the nature possibly from the Judiciary or even our very learned friend that we have here in the Assembly the present Clerk of the Assembly, somebody in that nature. Now of course this has not been accepted by others in the committee, it was just my view, I'm sure held in general by the members of my Party. But I do say and I agree with my honourable friend, the Member for Lakeside, I think we have made some progress. I think that the propositions that were made at the time he was the First Minister of the Province of Manitoba toward the end of eventually having a permanent Speaker were worthwhile then, they're worthwhile today, and while as I stated in the committee that I did not think that as the present Leader of my Party that I could commit the Party in the future and would not commit the Party in the future, I do think that we have made progress and like the Member for Lakeside that while I may have differences of opinion with him insofar as the type of an individual - again not of a personal nature, Mr. Chairman - but whether he should be a permanent politician or civil servant, I do think that it is desirable to have permanency eventually of the Speakership of the Assembly of Manitoba.

MR. LYON: Mr. Speaker, I don't want this debate to conclude without paying some tribute to the Honourable Member for Lakeside for the very worthwhile resolution that he brought before the committee and for the debate that it stimulated in the committee and while it is true that we all agreed on the principle of that resolution and were unable to come to some agreement with respect of the particular mode of procedure, I think that the work done by the honourable member, the background work in particular, was of great benefit to the committee and as the Leader of the New Democratic Party has said, advanced the consideration of this matter perhaps further than it would otherwise have been. It is one of these rare occasions where you find a rule that, regardless of the majority that you can muster to accede to it, unless you have unanimous agreement among all Parties in the House as to the exact mode of procedure that you're going to follow, the majority is of no use whatsoever. If my honourable friend could muster 30 members of the House to agree with him he would be the first to admit that because the other 27 didn't agree the whole thing would fall apart because it is one of these rare procedures where you really must have the unanimous consent of the House on the particular procedure before you can achieve the aim that we are all seeking in the resolution.

So I rise only to thank him for the excellent contribution that he made to the debate in the Committee, and I join with the others who have spoken in hoping that with the discussions that I trust will take place that we can come to a happier resolution of this problem before too long.

MR. MOLGAT: Mr. Chairman, I unfortunately could not be present at the last meeting of the Committee which discussed the final report to the House and this was mentioned by the Leader of the NDP. I would like to point out that if I was out on a junket it was one having to do with the affairs of Manitoba. I was out in company with the Premier of the province in a certain event taking place in southwestern Manitoba at that time and --(Interjection)-- Well, I thought I should use it in the interests of the Minister of Industry and Commerce in case he should read subsequently the Hansard.

(MR. MOLGAT cont'd)...

But it's with some regret, Mr. Chairman, that I must speak on this matter of the permanent Speaker. It seemed to me that the Committee that discussed the rules really did a good deal of work and there was a very good understanding in that Committee, a good deal of give and take, and we looked at the rules not in any way from a partisan position, not in any way really from a position of government versus opposition, but more in terms of what is good for the House and what's good for the people of the province, and it was in this spirit that my colleague the Member for Lakeside had approached this question of the permanent Speaker.

Now my colleague is in a perfect position to speak on this issue, having initiated in the days when he was the Premier of this province the first steps toward such a position. Now everything I say in this vein, Mr. Chairman, I would hope and I'm sure would not be construed by anyone as being in any way a reflection on the present Speaker or any past Speaker. That isn't the proposition. The question is that, in our view, the time has come that we should change our institution and place the Speaker on a permanent basis and, to the extent possible, remove that person from the immediate debates of the House and the immediate partisan situation which he inevitably finds himself. I realize that they attempt to move themselves out of it but they still have the problem of representing a constituency; they still have the problem of having to win subsequent elections; they still have the problem of having constituents who want to be represented and having someone speak for them in the House and yet under our system this can't be done, because inevitably what happens is that the constituency represented by the Speaker in effect does not have a spokesman here in the Legislature and there's no way of getting away from it under our present system. At the moment the electorate of Swan River constituency don't have anyone in this House who can speak for the people of Swan River constituency, as such, directly as their elected representative.

And so it's in this light that my colleague, having started this plan some years ago, proposed the following to the Committee. Mr. Chairman, I would like to read this onto the records of this House because these minutes are only minutes of the Committee and do not become part and parcel of the records of this House, and I think it would be useful to have this proposal in our Hansard so that all the members of the House and those who aren't members of the Committee see exactly what was proposed. This is the draft report re continuity in office of Speaker submitted by D. L. Campbell MLA, to the meeting on the 18th of January, 1968, of the Special Committee of the Legislature on Rules of the House.

Now here's what this draft report proposes: "Your committee was also instructed to consider and report its recommendations for implementing the decision of the House that the Speaker should be continued in office through successive Legislatures and Governments following his election, after consultation and agreement among all Parties in the Assembly. Having carefully considered methods of establishing this principle and practice, which the House has declared to be in the best interests of itself and the public, your committee reports and recommends as follows:

"First. That as a first step in implementing this principle and practice, a special constituency geographically consisting of the Legislative Building grounds and to be called "Commonwealth" be immediately created, the electors of this constituency being the Members of the Legislative Assembly and the member elected being the Speaker.

"Second. That the House adopt the practice of the formal nomination of the Speaker being moved by a private member supporting the government and seconded by an opposition member who holds no official position, after consultation and agreement on a candidate among all Parties in the House.

"Third. That the Speaker once elected should normally be re-elected without opposition at the commencement of each Legislature for as long as he possesses the confidence of the House and is willing to serve, and that the Party Leaders should commit themselves in advance to this custom."

And there's a note: "Support of this report would do this so far as present Leaders are concerned and its implementation would establish the tradition.

"Fourth. That appeals against the Speaker's ruling as presently allowed be abolished, and that a new rule be adopted providing for an appeal by substantive motion only, accompanied by the citation of authorities and precedents, to be submitted automatically for study to a standing committee of the House to be established for this purpose, said committee to report

(MR. MOLGAT cont'd)... on each submission within five sitting days.

"Fifth. That in view of the increased prestige and responsibility which would accrue to the Speaker through the adoption of this proposal, the Speaker should establish a practice of reserving his decision to give himself time and opportunity for adequate consideration when ruling on particularly difficult or controversial questions."

Now this was the proposal by the Honourable the Member for Lakeside. Now, Mr. Chairman, it wasn't suggested that this was a proposal that would have no difficulties in it; it has difficulties in it. But all things considered it was the feeling of our group that this would be a major forward step in providing a permanent institution of Speaker and still leaving the Speaker in a sense as an elected individual and one coming from this House, which in our opinion is important rather than taking someone from outside this House who has no relationship in a sense to the House and to the elected structure. It would be someone from this House, and having been once elected to this House he would then be elected by the Members of this House, representing these grounds as a constituency, and be established in a permanent position. There would then be a by-election in the constituency represented by that gentleman or lady; that area would retain representation in this House; the permanency of the Speaker would be as reasonably assured as we can assure things in a human context. It may be that the next time the House would not agree, and the House must retain mastery of its own structures admittedly. But it would nevertheless be, in our opinion, a very major forward step towards giving more prestige to that office, giving it more independence from any partisan consideration, and at the same time giving the area represented originally representation in the House. Now I know arguments can be made against it, but in our opinion this is still an improvement over the present situation, particularly an improvement insofar as the people represented by a Speaker at the moment.

So it's on these grounds that this draft report was made by my colleague. I regret that it was not accepted by the Committee but I wanted to put this on the record of this House so that the other members who are not members of this Committee would have an idea of the proposal that was made and I would hope would consider it. I would hope that those in the various Parties in the House would be in a position, if they agree with this proposal, to take some steps within their own groups to further this. I could say that insofar as my group is concerned, Mr. Chairman, we accept this as a constructive proposal at this time, a major forward step in improving our institution, and representation for all of the people in the province.

MR. R. O. LISSAMAN (Brandon): I wish the Leader of the Opposition or the Member for Lakeside would inform me. My mind tended to run while I was listening to the debate to the possible eventualities, and maybe this is a bit remote and far-fetched, but supposing there are 57 members in the House. Supposing half of the members plus the one odd member formed a government, then the Speaker was chosen. The Speaker in his own constituency was a very popular, well-accepted man. He won the seat. Then at the by-election following to replace the Speaker in the House the opposition party manages to elect a member because the party in power hasn't got two such men available as the first one, and then you have a change of government because of the speakership. This to me suggests a bit of a problem as to the proposal that's been made.

MR. CAMPBELL: Well, Mr. Chairman, if the question is addressed to me, I, as a practical and used-to-be practising politician, I can certainly see that it would be a serious problem, particularly for the government, and in my humble opinion it would necessitate a new election in that eventuality or else the surrender of office without an election; one or the other. But I really would think that it would be a rather rare combination of circumstances that would bring that about. It is possible. However, my view is that it would be so unlikely to happen and it needs quite a combination of circumstances that the risk of such a thing happening is far outweighed by the merits of some proposal, some type of a proposal, not necessarily anything like the exact terms of this proposition that was submitted to the Committee, but some proposal I think would be much more advantageous than any risk we would run of a situation of that kind occurring.

I would like to say at this time that it seems to me that the argument that the Speaker under these circumstances might tend to become dictatorial or autocratic is not likely to happen either because his election at each new Legislature would depend upon the wishes of the members of this House, and if the elections resulted as they traditionally have over the

(MR. CAMPBELL cont'd)... many years that I've been around of roughly two-thirds to three-quarters of the former members coming back, then there'd be at least a pretty fair nucleus there of the ones who had seen him or her in action the time before and I would think there would be very little danger of him developing into an autocrat in that position. I think the likelihood is all the other way, that he would, with the responsibility of the position, the enhanced prestige and authority that he would have, that he would develop, as we hope people do under circumstances of that kind, into a better Speaker and that that added experience as time went on would be very much to the advantage of the House, would expedite work, and would see to it that we got along a little better here in the House as well.

MR. FROESE: Mr. Chairman, I was not at the particular meeting where the discussion of the proposition that was just read out by the Leader of the Opposition was presented. I was at a later or earlier occasion, I forget which it was, where this matter was also discussed but where we didn't have any definite proposal as to how this was to come about. I still have some reservations about this whole matter and I definitely will take a closer look at the proposal that was made, especially in regards to making appeals in case we have an appeal that we feel the Speaker is not making a fair ruling and that his ruling is appealed to. I think I'd like to take a closer look at the proposition that is made in that regard.

MR. LYON: Is it agreeable then to suggest to the committee that the committee rise and report progress to Mr. Speaker and then perhaps, with leave of the House, I could suggest that the next order of business, because of the hour tonight, would be to call the motion dealing with concurrence of the Committee on Statutory Regulations and Orders, and there's another motion which we may or may not get to on the re-establishment of the Committee dealing with professional associations. We could clean those off tonight and then have some understanding about going into Supply tomorrow morning, thereby giving my honourable friends another evening to digest the estimates if that is their wish.

MR. PAULLEY: Mr. Chairman, I think the procedure is okay as far as we are concerned with just one point though, the conclusion of the matter of the rules. What is the intention of my honourable friend insofar as the time element and taking a look at the amendment which I proposed on Page 33A. Is it between sessions and not -- he didn't mean between Sessions of the House, but I was just wondering how can we now, in view of the fact of course that the Committee has been discharged, unless by leave of the House get together or look over just the matter raised again at the next time the Committee meets. Maybe that's the best way without any reference to anybody really looking at it. It's just a so-called cooling-off period until such time as we have an opportunity of taking a look at the proposition, and possibly in the meantime the Chairman or the Clerk can undertake to -- or send back the amendment proposed to us and we will have copies made for the rest of the members of the committee --(Interjection)-- providing I can read my -- my honourable friend says, "providing we can read what he had to say."

MR. LYON: No, my suggestion, Mr. Chairman, was that we merely leave the schedule in Committee, realizing that we only have Page 33A to deal with, and that in the meantime the amendment could be distributed and either tomorrow or probably - more probably Monday - we could keep the motion on the Order Paper, go back into committee, clean up 33A, come back out of committee, move concurrence of the Committee's report, and then the new rules would then take effect, I would hope, as soon as Monday or Tuesday.

MR. CHAIRMAN: Committee rise. Call in the Speaker. Mr. Speaker, the Committee of the Whole has considered the report of the Standing Committee on Rules, has directed me to report progress and asks leave to sit again.

IN SESSION

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, I beg to move, seconded by the Honourable Member for Springfield, that the report of the Committee be received.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: The proposed resolution of the honourable the Attorney-General.

MR. LYON: Mr. Speaker, I'd like to move, seconded by the Honourable Minister of Welfare, that this House doth concur in the report of the Standing Committee on Statutory Regulations and Orders received by this House on the 11th day of March, 1968, and also in the recommendations made therein.

MR. SPEAKER presented the motion.

MR. LYON: On this motion, I should make a few introductory remarks with respect to the work of this committee in the interval between sessions. I should first of all say that when I introduced the report for its receipt that I suggested that we would bring on the concurrence motion as soon as we could, and in fact I think the day of Thursday a week past was suggested. The motion was put on the Order Paper and I think we do owe an explanation to the House that because of the precedence given to the Throne Speech on the Order Paper this resolution could not be called at that time until the Throne Speech debate was disposed of. In other words, the Throne Speech debate which started that day took precedence and I wouldn't want my honourable friends to think that we were purposely renegeing on any suggestion as to when we would move concurrence, so this happens to be the first occasion on which we have been able to move concurrence of that motion which was on the Order Paper.

It is apparent from a reading of the report of the committee that the committee met on the 14th of November, Thursday and Friday the 14th and 15th of December, Monday and Tuesday the 8th and 9th of January, Tuesday and Wednesday the 23rd and 24th of January, Monday the 12th of February, and Monday the 4th of March; and during the course of those extensive hearings - or extensive sittings, we did receive briefs from a large number of groups, particularly with respect to the consumer protection proposal that was in the White Paper presented to this Legislature last session by the Honourable the Provincial Secretary.

At the same time, we were able to complete the work, the regular statutory work that is assigned to the committee with respect to regulations and that report is comprised as Part I of the report in which I am moving concurrence tonight.

With respect to Part II, we had the whole of the White Paper referred to the committee and this dealt with the draft respecting the protection of consumers' legislation, the draft of the proposed expropriation act, legal assistance to indigents, compensation to victims of crime, the Legislative Commissioner for Administration, and the orderly payment of debts. It can be seen from a reading of the report itself that with respect to the protection of consumers' item that was referred to the committee, that we heard as I mentioned before extensive briefs from groups and individuals in all parts of this country and in all parts in Manitoba. At the present time, a summary of the points raised by those briefs has been prepared by legal counsel who were assisting the committee throughout its deliberations, and as the report indicates, this matter is still before the committee, and in moving concurrence we are of course seeking the right to re-establish the committee and to continue with the study in depth of the briefs that were presented, with the idea in mind of proceeding with the legislation this session if feasible. I believe that is the exact wording of the recommendation contained in the report.

The proposed draft Expropriation Act is a second subject upon which briefs were heard largely from the legal profession. This subject matter, as honourable members are no doubt aware, has been the subject matter of royal commissions in other provinces and indeed a special report was made in two sections, as I recall, by the Law Reform Committee of Ontario dealing with this very complicated matter. This matter is still before the committee, and in moving concurrence we do so with the hope and expectation that the committee can soon be re-established and continue its work with the Expropriation Act.

Legal assistance to indigents was not debated at any length, although briefs were received from the Manitoba Bar Association in particular, and the government was prepared to recommend to the committee certain action with respect to legal assistance which would have the effect of formalizing to a large extent the present voluntary work that is being carried on in this regard by the Law Society of Manitoba, and if this report receives concurrence we can proceed with that aspect of the report's recommendation at this session.

There are further matters with respect to legal aid to indigents, particularly dealing with civil aid aspects that honourable members have indicated that they wish to discuss further, and quite properly so, and again the committee if re-established can go into that question.

(MR. LYON cont'd.)

Similarly, with the Legislative Commissioner for Administration, the desire is expressed to have further discussions with respect to that matter, there being one now, one Legislative Commissioner for Administration in the country, namely, in the Province of Alberta. The desire has been expressed that we should look thoroughly into the recommendations that were advanced by the Provincial Secretary with respect to the proposed duties of the Legislative Commissioner to see how these would accord to our present constitutional system and then to move along with progress in that matter.

On the sixth item, orderly payment of debts, it was reported to the committee that the federal legislation enabling the province to re-adopt the OPD legislation has now been passed, it has been proclaimed in the Province of Manitoba, and has been in effect here since the first of June operating through the County Court office, and that matter is dealt with.

So there are these outstanding matters still to be dealt with by the committee, and in moving concurrence of the report I would hope that we could soon re-establish this committee of the House which is a Standing Committee. My understanding is that the Whips have been consulting recently with respect to membership in the various committees and that the committee charged with the responsibility for agreeing on the complements of the committees will be meeting very shortly to give approval to what the Whips have agreed to among themselves, and that we can then get this particular committee re-established and I would hope sitting before too many more days or weeks are taken up in the present session.

I should mention in that regard, however, it will be necessary with respect to our primary statutory responsibility under the committee, which is the review of regulations, it will be necessary of course for us to secure from the Legislative Counsel the very helpful annotation of the regulations which he presents each year and I don't think that document is at hand at the present time, although the regulations themselves have been tabled pursuant to statute.

So in moving concurrence I recognize that undoubtedly words are going to be heard that the committee was not able to complete all of the work that was before it. I readily acknowledge that, but I say that because of the subject matter that was before the committee and because of the diversity of subjects and the importance of each of them, that each of them does deserve the further consideration that it is intended to give, and that as soon as we can concur in this report, get the committee re-established, we can then carry on with the responsibilities which were given to the committee last session and which the committee has now recommended it be charged with the responsibility of dealing with again.

MR. MOLGAT: Mr. Speaker, while I was complimentary about the work that was done by the Rules Committee of the House, I regret that I cannot be equally complimentary about the work that was done by this committee. The Attorney-General in moving concurrence said that he was prepared to accept that there would be some comments made in this regard, and I frankly feel, Mr. Speaker, that the comments are due and deserving, because this committee - and I will admit it was charged with a lot of responsibility - but the committee was not called to work until very late in the year, Mr. Speaker, and I am sure that if a reference was made to last year's Hansard at the end of the session you will find that I had specifically requested then that the government appoint the committees quickly and get them to work quickly. In fact I suggested then that they be called together before the end of the last session while all the members were together to set a date shortly after that for the first meeting. This was not done. The first time this particular committee met, after having been established on the 2nd of February 1967, it didn't meet until the 14th of November of 1967 and many useful months were passed by while the committee could have been working. The result is that the report of the committee is now full of recommendations that the committee be reappointed to further study the matter.

We find, for example, on the question of consumer protection that this is going to be again referred back to the committee for further study. This, Mr. Speaker, after many discussions in this House on the question of consumer protection; after having had a special committee appointed by the past Premier of the province some two or three years ago to study the question of consumer protection and other related matters; after having received the White Paper from the government on the subject and other reports; and here we find that at this session we're being asked again to reconvene the committee to have further study on the subject.

On expropriation, the same situation. The committee's report recommends that the committee be reconstituted to study expropriation.

(MR. MOLGAT cont'd.)

On the question of legal aid to indigents, in this matter there are certain areas only where any recommendation can be made for action; the balance must be left for further study and further review by the committee.

The question of compensation to victims of crime, nothing has been done except on one small area which is compensation to be paid to persons injured while assisting police officers and to the dependents of persons killed while assisting police officers. Hardly a very wide area of responsibility.

So a large number of these things, Mr. Speaker, that could have been dealt and should have been dealt with were simply left to sit because the committee was not called to do its work, and in this regard I can only be critical of the actions of the committee.

One area in particular which is probably the best example of the committee not proceeding to do its work, not proceeding to study the subject even, is that of the Legislative Commissioner or ombudsman, and this is where, Mr. Speaker, I think a fair case can be made that the government may be using the committee not for the purpose of getting action but in fact to prevent action. One need only look at the history of the ombudsman or public protector or Legislative Commissioner here in Manitoba. My colleagues on this side of the House, myself on a number of occasions, have introduced resolutions going back to 1961 proposing such an appointment in the Province of Manitoba. Regularly, year by year, it was opposed by the government.

In 1965, now some three years ago, we find a change of position of the government. On that occasion, lo and behold, a small item appears in the Throne Speech, and not knowing what was to be in the Throne Speech, I had previously asked one of my colleagues, the member for Assiniboia constituency, to introduce a resolution before the House met calling for the appointment of a public protector, or ombudsman, on somewhat the same basis as existed in New Zealand. On the 26th of February, 1965, Madam Speaker ruled this particular resolution out of order, and her ruling on that date was as follows: "In considering the resolution of the Honourable Member for Assiniboia, I would like to draw the attention of the honourable member to the reference in the Throne Speech which reads as follows: 'Policy respecting highway safety, a racing commission, legal aid to indigents, the constitution, ways and means of safeguarding individual rights vis-a-vis the state, the Canada Pension Plan and certain business legislation, are among the matters with which you will be asked to deal'." This is 1965, Mr. Speaker. A specific resolution calling for the appointment of an ombudsman is refused, ruled out of order because it's in the Throne Speech - along I might add with legal aid to indigents which we are still waiting for - this is a particular one, the resolution is ruled out of order in 1965.

The following session a year later, 1966, there having been no action by the government, I re-introduced a resolution again calling for the appointment of an ombudsman and stating specifically in that resolution that whereas the Standing Committee on Statutory Regulations and Orders sat during the past year to study, among other matters, the advisability of having an ombudsman and relating what had happened, where after having been in the Throne Speech all that really happened it was referred to a committee, the committee sat, it was then decided that we should listen to the ombudsman from New Zealand who came to see us, we sat and listened to him and we still didn't get any decision by the government or by the committee.

MR. LYON: Will the honourable member permit a question just for clarification? I know he would want the record to be clear as well. Would it not be a fact that the reason that the committee did not sit between 1965 and 1966 was because of the provincial general election that was called in June of that year which had the effect of nullifying the existence of the committee, thereby preventing it from being called until the subsequent session of the Legislature re-established it.

MR. MOLGAT: It is certainly correct, Mr. Speaker, there was an election in June of 1966 -- no one questions that. It is equally correct that my honourable friends having had the question of the Throne Speech in 1965 also took no action to proceed with it in 1965, and in 1966 when I introduced this resolution it was once again ruled out of order for the following reason this time: "The subject matter contained in the proposed resolution of the Honourable Leader of the Opposition has been dealt with at this present session. The committee appointed by the House this morning has been instructed to consider this matter. Therefore, the Legislature has given its decision on this matter." So it was shunted off again in 1966 and sent off to a

(MR. MOLGAT cont'd.)... . committee. Well

MR. LYON: The committee was then dissolved.

MR. MOLGAT: All right, the committee was then dissolved. But this is two years in a row now that it's ruled out of order because the government is going to do something. All right. The Minister says the committee was dissolved. All right, I accept - the committee was dissolved this time.

Then we come along to the 1966-67 session and this one started early in December of 1966. Now this time the Throne Speech becomes more specific. After having spoken about it two previous years, this time the Throne Speech says: "It is the intention of my Ministers to place before you certain proposals respecting a civil remedies' code for the protection of the rights and liberties of the citizen in the modern state. Among matters to be included are: Legal aid to indigents" - we're still waiting; "a citizens' protection bureau" - we're still waiting; "compensation to victims of crime" - we're still waiting; "a Legislative Commissioner for Administration" - we're still waiting. But there it was, this was going to be placed before us, "the intention of my Ministers to place before you these proposals." No. 3. Well, this was in December.

By the 24th of February there having been no action as yet by the government I proceeded to re-introduce the resolution. This time Mr. Speaker ruled as follows and ruled it out of order: "With reference to the resolution of the Leader of the Opposition dealing with the establishment of a public protector or ombudsman for Manitoba, I would like to refer to the Throne Speech where reference is made to a citizens protection bureau and a Legislative Commissioner for Administration. In the light of this declaration, in my opinion, the proposed resolution anticipates government legislation in this direction." Didn't anticipate sending things to a committee again, Mr. Speaker, it anticipated government legislation.

Here we are another year later and what do we get from the government? We have to reappoint the committee so they can study the matter further. What were we told in the committee by the Chairman of the Committee, Mr. Speaker - or was it the Minister guiding the matter through the Committee? I think it was in fairness - the Provincial Secretary. He told us there that really we shouldn't be in a position to decide on this because since we had been discussing this over the years another province - or a province, Alberta, had proceeded to establish such an office and therefore we shouldn't proceed without first studying what was being done by this commissioner in Alberta. My comments at that time, Mr. Speaker, and I repeat them, was that: Let us hope that no other province in Manitoba -- God forbid that any other province appoint a Public Protector in the subsequent years because it's obvious that Manitoba will never get one because we'll have to turn around and wait to go and study what he's doing before we can make any decision in this House.

Now, Mr. Speaker, let's be reasonable. Is it logical that after having said in 1965, three years ago, in the Throne Speech that the government was going to act, and after preventing members on this side of the House from proceeding with a resolution to get a decision by the House, having it ruled out of order because the government was going to act, two subsequent sessions after that the same thing happening, we're now finding ourselves in 1968 with the government saying, "Well we have to reappoint the committee so we can study the matter further."

Mr. Speaker, this is just delaying tactics. This isn't in my opinion showing good faith on the part of the government in this proposal. It's talking about it; it's running around the subject; it's evasion; it's anything but action. I can see no other means of considering the matter. We're now in a situation where no member on this side of the House can move a resolution proposing a Public Protector because it's going to be ruled out of order because we have a resolution before us referring it to the committee once again. No member on this side of the House can propose anything on consumer protection or anything on expropriation or anything on legal aid or anything on compensation to victims of crime because it will all be anticipation of government action. If it were government action, Mr. Speaker, then the members on this side would be prepared to wait. But it's government inaction; it's government evasion; it's government sloughing off their own responsibilities.

And so it is with deep regret that I'm faced with the situation that I have no choice but to support this particular motion at this point, and I do so on the basis that I have no alternative. I can't propose any other resolution; it would be ruled out of order. The only means I can hope of getting action is to support this resolution, but I do so on only one basis, Mr. Speaker,

(MR. MOLGAT cont'd.) that is that there will be action. Now if it is the intention of the government to sit around after this House rises and wait until next November before calling the committee together to do some work, then let them tell the House that now. Let's not waste time about the whole procedure. If that's your intention then we'll have no alternative than to vote against this proposal. If it is really your intention to do something and to proceed and get this committee to work during the Session and get some work done, then I will support it, reluctantly I must admit because I would much rather see action, but I have no other means of getting action at this time than this.

And so it's only on this basis, Mr. Speaker, that I am prepared to accept the resolution, and that is that the committee will in fact be immediately re-established, put to work during the course of the Session, and that there'll be no attempt of the government to proceed with the delaying tactics that we've had now for the past three years.

MR. CHERNIACK: Mr. Speaker, out of deference to the Honourable the Leader of the Liberal Party I waited to give him the opportunity to speak first, and then I had some regret because it seemed to me that he was so mildly chastising the government and rapping it so gently on the knuckles for what I think he will agree with me is really a very serious misgovernment on the part of the Cabinet. The National Leader of the New Democratic Party who is well-known for his ability to make a quip, has made a quip which I will try to paraphrase and I won't attempt for a moment to measure up to his style, but he does speak of a chug chug in relation as I would to the chug chug Cabinet that's going along, and his interpretation of this chug chug Cabinet is that it was probably a "go go" Cabinet ten years ago and changed into a chugging-along organization at this time.

As was mentioned by the Honourable the Leader of the Liberal Party, it took 9 1/2 months from the day this committee was appointed until the day it first met, and the Honourable the Attorney-General had the temerity to list the number of meetings that were held by this committee since its appointment and it totalled up to seven days, Mr. Speaker - seven days, and I don't think they were all full days of meetings - to handle all these matters which the Honourable the Leader of the Liberal Party enumerated. Seven days, most of which were taken up in listening to very well prepared and very important briefs that were presented, but in those seven days very little was accomplished in terms of consultation and in terms of review of the briefs that were presented and the work we had to do.

Now firstly dealing with the Statutory Regulations that were presented to us, they were regulations Nos. 14 of 1966 to 131 of 1966, and if members will take the trouble to read that Part I of the report which is some two and a half pages in length, members will find that there were a number of rules that were passed by the Cabinet, by the Lieutenant-Governor-in-Council, which were questioned, challenged by the Legislative Counsel, which were reviewed by the committee and which the committee pointed out were not in accordance with the scope and function and authority of the Lieutenant-Governor-in-Council.

I had occasion the other day to mention the regulations that were passed under the Manitoba Development Fund Act and there were a number of regulations and references there that were beyond the authority of the Lieutenant-Governor-in-Council. These were passed in 1966, and not until we come today to discuss it in 1968 can we really review what was done by the Lieutenant-Governor-in-Council and done wrongly. It's only the fact that the committee did deal with it finally in the fall of this last year that it came to light and that it was recalled, repealed and new regulations were passed.

Well, Mr. Speaker, this is an indication of the fact that no matter how well we planned to do our work, if the committees are not called, if the committees are not given the opportunity to deal with the subject matter assigned to them, things can go wrong and badly wrong by the mismanagement of this government which is indicated by the various regulations that have had to be changed, repealed and, in some cases, where the committee found it was too late to do anything. If you will read them you will find on several occasions where there's a sort of a shrug of the shoulder and says, well this is too late so we'll just let it go. I am now referring to items dealing with retroactive regulations that were improperly passed.

Now what is not in the report, Mr. Speaker, and which I think is definitely missing - I think the committee agreed that it would form part of the report - is that we wanted to request this Legislature to refer to the Committee on Rules and Regulations that are passed, including those that are passed after the Session which has received them. That is the last meeting of March 4th, 1968, this committee was only enabled to deal with regulations passed up to December 28, 1966, and was not empowered to look at all the regulations passed in the year 1967.

(MR. CHERNIACK cont'd.).... I think that the committee agreed that in the report we would request that we be given the authority that we should be able to deal with all regulations even up to the one that was passed the day before the committee meets from time to time, so that it won't be fourteen months or more after a regulation is passed that the committee will come to deal with it, and I think that there should be some amendment, some change to indicate that this is the request.

Now, on the Citizens' Remedies Code, Mr. Speaker, on March 9, 1967, we had occasion to deal with a resolution on the question of consumer protection, where the debate arose I believe - yes, the debate arose on a motion that this matter be studied by a committee - and at that time I reviewed the fact that in 1962 our Party brought up the question of consumer credit. And when I say that, Mr. Speaker, I might say that from reading debates that the Honourable Member for Selkirk was at it before 1962 pointing out various features that needed correction, that we pointed out that year by year after that we stressed the need for consumer protective legislation. We enumerated the studies that had been made: the Premier's Committee that had been set up, the Tallin Commission that had been set up, the Committee on Consumer Credit that was established, the Committee on Statutory Regulations to which it was referred, and delay and delay was such that if you recall, Mr. Speaker, I brought into the House the material which I had accumulated on the entire question of consumer credit, and if you recall it took up two piles each of about a foot high. Well now the material that I have in the office is equivalent to three feet of material and all of it is good but it is becoming dated because more and more Legislatures are passing legislation dealing with the problem and this one is chug chug chugging along and doing very little, if anything, at all. Seven days that were spent on all the features. --(Interjection) -- Now the Honourable the Attorney-General says nine. One, six, seven - he's right - nine. Well now, that changes it! I'm so glad he corrected me. I wouldn't want to be wrong. I said seven days out of nine and a half months and I've been corrected. It was really nine days out of nine and a half months which averages one month a day, and certainly the members of this committee -- (Interjection) -- one day a month, and certainly members of this committee had enough

MR. LYON: Would my honourable friend permit a question? Was he a member of any of the other committees of the House that were sitting between the Session as many of the rest of us were and had to attend to those committee meetings as well as this, or was he fortunate enough

MR. CHERNIACK: I will answer the question. I could have answered it after the first few words. Mr. Speaker, I was a member of one other Committee which met briefly and I was careful to see to it that I did not sit on too many committees so that it would not hold me back from giving all the time that was needed to work at this committee, and if that's a problem for any member or even full-time members of the Cabinet, then that's their problem and does not excuse them in my estimation, Mr. Speaker. -- (Interjection) -- Yes, it may be that they find their work too hard for them, this is possible. It may be that they'll have to split up the ministries a little more amongst the backbench in order to give them time; that's their problem.

Now, Mr. Speaker, we have this report here. We have the report which deals with, as I say, the Rules and Regulations and then with matters of consumer protection, and the report asks that we be requested to further review the memorandum which we had been reviewing for all this time, this proposed Act. And I might say that there were counsel engaged to do the work who are referred to here: Messrs. Buchwald, Cantlie and our own Mr. Snider, the Registrar of Companies, who gave very good work and made very good contributions to the committee, but I believe have been held back by the fact that the committee has not been sitting enough to give them direction and they have had to try to steer their own course through this without direction from the committee. And then when we said, "Let's get to work on it," and we said, "Let's say this Session; let's say that we want to get back and bring in legislation this Session," the Provincial Secretary, who is a very careful gentleman, who wants to make sure that we do not run too quickly, said: "Well now, let's say if feasible." And that was a concession that we all agreed to. This was a compromise that we arrived at, that we would say we would do it this Session, if feasible, as the Honourable the Attorney-General pointed out. Why can't we do it this Session, Mr. Speaker? Why can't we meet and get this done? Don't we have the time? Don't we have the inclination? I'm sure members on this side have both the time and the inclination. It's up to members on the government side to find both the time and the inclination, and I'm not sure really which is lacking on their part, if not both being lacking.

(MR. CHERNIACK cont'd.)...

We dealt with the question of the Expropriation Act. This, Mr. Speaker, was referred on February 2, 1967, but it was a hangover, Mr. Speaker, from 1966. It was introduced by the Honourable the Minister the Provincial Secretary on April 7, 1966; it was discussed by the Honourable the Provincial Secretary. That's almost two years ago. And he said, "I should explain the general task in this connection was referred by him to the Law Reform Committee which in turn established a sub-committee which studied the problem." This is on Page 1625 of the 1966 Hansard, and he said then, "I may tell the members that it received very long and detailed and anxious and vigorous consideration and discussion in both the sub-committee and in the Law Reform Committee." And he says he didn't attend the meetings of the sub-committee but, "I did spend a great deal of time with the Law Reform Committee in its considerations of the report that came before them, and a number of changes in the form in which we have it now reflects a number of changes made in the suggestions of the sub-committee as it came to them and as it now appears in the bill." But he said in the same speech, "More time could well be spent on consideration of a bill of this nature, and it is my view," he said, "and I direct members' attention to the fact that we are proposing to refer this bill to the Committee on Statutory Regulations and Orders with a view that the bill remain in the committee for consideration by such groups between this Session and the next Session of the Legislature." That was his proposal then; that's his proposal now. What will it be next year, Mr. Speaker?

Well, of course, the Honourable the Attorney-General suggests that there was an election in 1966. That's true, there was. He also suggests that -- he didn't suggest, but I remembered that there was some sort of a competition this last fall where

MR. PAULLEY: November 25th.

MR. CHERNIACK: November 25th there was a competition. It took some time to lead up to it. -- (Interjection) -- Well, there were some people running a race and actually the one who ran backwards is the one who seems to have won, but that's another matter. But whilst this

MR. PAULLEY: Wait till that one sinks in over there.

MR. CHERNIACK: Well, he's not present. Whilst this four-ring circus was going on we were watching but we could not actually get to work and do the job that was supposed to have been done. Now on April 2

MR. MCLEAN: You could have come over and given us some help.

A MEMBER: Boy, you needed it.

MR. CHERNIACK: There isn't the slightest question that help was what was needed, but the rumors are that it's the Conservative Party that knows how to help other Parties in election time. Of course, I don't vouch for what happened in Wolseley but it's not the reputation of this Party that we participate in that kind of activity.

On April 25th of 1966, Mr. Speaker, the Honourable the Provincial Secretary had more things to say. He was then dealing with a resolution which has a familiar ring. It says: "This House doth concur in the report of the Standing Committee on Statutory Regulations and Orders". I wonder, Mr. Speaker, if the name of the committee couldn't be shortened so that it would more readily trip from our lips because it's so often referred to in this House, especially in terms of putting off work into that committee. But the honourable Provincial Secretary said, in dealing with ombudsman, he said -- It was 1966, February 23rd, that this report was received, and he deals with the question of ombudsman and says that: "The report requested an additional opportunity to study and examine into the matter of the ombudsman and he recommends to the Legislature that this is an important matter which ought to be studied further" "It's an important matter which ought to be studied further in order that we may arrive at what will be considered to be a reasonable decision in respect of this matter." Well....

MR. LYON: What year?

MR. CHERNIACK: This was just 1966 and it's only 1968 now. The Honourable the Leader of the Liberal Party has enumerated occasions that took year by year - that were promised in the Speech from the Throne.

(MR. CHERNIACK cont'd)...

Now with the question of the ombudsman, we had a lengthy comprehensive brief from the Manitoba Bar Association, and if you had been present, Mr. Speaker, and other members of this House at the meeting of this committee, you would have found that the proposal was that the reason to be given by this committee for not completing its work was that it wanted to consult with the Province of Alberta. And I remember the Honourable the Leader of the Liberal Party said; "Well, now we're going to have to consult with more governments because more and more are bringing them in" -- and did he mention that Mr. Johnson of Quebec, yesterday was it, day before, said: "We are going to bring in the position of ombudsman. --(Interjection)-- That's right, that's the great danger because now the Honourable the Provincial Secretary will say: "Let's wait". But that need not be --(Interjection)-- Pardon? --(Interjection)-- Well that would be interesting, Mr. Speaker. I do want to finish this point. I know I won't finish my remarks this evening, but I want to finish this point. Because the Honourable the Attorney-General had something to say in 1966, in April '66, after some of us apparently had been somewhat critical of the speed with which this government was operating. And he said this: "Parliament is a continuing organism" he said: "The Legislature is a continuing organism"; he said: "It's not something that dies at all. It's a living thing", he says. He says: "It carried on as it works". Well, there's no doubt it carries on. As to the way it works is the question that is a matter of concern for us. But he said, and this is in answer to what he just said recently to the Honourable the Leader of the Liberal Party: "The work of the Legislature must carry on. Elections don't stop the work of Parliament" -- that's what he said. He said: "Elections aren't going to stop the question of legal aid for the people of Manitoba". He said: "Elections aren't going to stop the question or the consideration of an ombudsman for Manitoba". He's right. If they had their way, nothing would stop consideration of these matters; but what would start them getting into some sort of action, that's the problem. And he says: "This is a continuing and a living and a vibrant organism" -- that's what the Honourable the Attorney-General said.

MR. LYON:.. looking at you when I said vibrant.

MR. CHERNIACK: Well, he certainly was not looking in the mirror when he spoke as he did.

Well now we have Premier Johnson of Quebec going ahead with this, and we're now talking about the ombudsman, and I shouldn't use that word, the kind of commissioner that this government wanted to put in. We're forgetting now the debate that we would have carried on as to the really effective job that could be done by a proper ombudsman with proper powers, but we're not talking about that because this government wouldn't even bring in what in this White Paper it said would be of use to bring in. That is what is so disturbing about the inaction of this government.

Now I believe that I have very little time left and I do want to touch on the question of how the ombudsman came in. I looked back to see when the Honourable the Leader of the Liberal Party started to introduce these motions because I had heard tell that the honourable the former Member for Brokenhead, Mr. Schreyer was to be credited with starting this. So I didn't find anything in 1961, but I found in 1962 that a resolution was brought by the Honourable the Leader of the Liberal Party. He introduced it in debate and Mr. Schreyer spoke immediately after he did and he said that in the Throne Speech of that time he had referred to the question of an ombudsman and therefore I guess maybe he got the first step forward, but I give him credit -- that's Mr. Schreyer credit -- for quoting Confucius on that date, saying "there's no limit to the amount of good that men can do as long as they don't care who gets the credit." And I think that's very commendable. Of course, the Honourable the Leader of the Liberal Party who is so disturbed by all these promises and delay of ombudsman in the government's speeches from the throne, is too young to have lived through the time..

MR. LYON: Of Confucius?

MR. CHERNIACK: ... of 1919 when the Liberal Party had something to say nationally on the question of health, Medicare and the provision of proper services. I was born before that but the honourable the Minister wasn't and therefore he wouldn't remember that far back, but I assure him that we are still today worrying about what Mr. Sharp had to say today on the question of Medicare in light of what was said.

Mr. Speaker, I'm prepared to go on if others and you are prepared to listen. I would now like to deal with the question of legal aid and if you like I'll continue to do that.

MR. LYON: Mr. Speaker, I wonder -- I hate to interrupt my honourable friend in mid-flight, but we are approaching the required adjournment time to which my honourable friend the Leader of the New Democratic Party pays such avid attention. --(Interjection)-- It was favorable. I would suggest that if my honourable friend has no objection that we might ask him to leave the Order standing in his name because he still has unexpired time to speak, and if that's agreeable I would then move, seconded by the honourable Minister of Welfare, that the House do now adjourn.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 10:00 o'clock Friday morning.