

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Tuesday, May 11, 1971

MR. SPEAKER: The Honourable Minister of Finance.

HON. SAUL CHERNIACK Q.C. (Minister of Finance) (St. Johns): I planned at this stage, and I am now asking for leave to make a statement, and I had hoped that the press would have been present in full glory. I'm quite serious about this - it is a rather serious matter - but I hope that the members will agree to permit me to make a statement when the media is present because it's really the media I wish to address, and if that's in order, then possibly we can deal with a few matters before that. If that's acceptable? (Agreed)

MR. SPEAKER: The Honourable the House Leader. The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): If the Honourable Minister wishes to address the media, why all the creation of a Chamber like this?

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I believe that the honourable member has a legitimate point of privilege which involves the media, and I think that the honourable member should see that. I'm just going to call two bills and if they're not here, then the Minister will have to make his statement to people whom it really doesn't concern.

I call Bill No. 25. -- (Interjection) -- Okay (Stands). Are the other ones not here? The honourable member is not here and neither is the Member for Souris-Lansdowne so I suppose this matter will be requested to be stood as well. Well then, Mr. Speaker, I'd like to make the motion.

MR. SPEAKER: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, I beg to move, seconded by the Honourable Minister of Mines and Natural Resources, that the House resolve itself into a Committee of the Whole to consider the Report of the Special Committee of the Legislature on the Rules of the House, together with the Report of the Independent Committee on Members' Indemnities, referred to this Committee by Resolution of the House on Tuesday, May 4th.

MR. SPEAKER presented the motion and after a voice voted declared the motion carried and the House resolved itself into a Committee of the Whole with the Honourable Member for Winnipeg Centre in the Chair.

COMMITTEE OF THE WHOLE HOUSE - STATEMENT

MR. CHERNIACK: I wonder if I might proceed, by leave, to make a statement which I think is important for the many people interested in Manitoba, especially the farmers, dealing with an erroneous report which appeared in today's Winnipeg Free Press which has referred to my reply to a question asked by the Honourable Member for Rhineland dealing with the use of diesel fuel for farm trucks. Now, I've made sure in my own mind that I referred to diesel fuel for farm trucks as being not exempt, that is you cannot use purple diesel fuel, but the Free Press has reported -- (Interjection) -- Do you want to interrupt me?

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSON: I'd like to raise a point of order. I have no objection to granting leave to the Minister for making a statement. The only point I question, and I would like the Speaker to give you some guidance here or the House Leader, as to the propriety of reverting, as it were, to motions in order to make this statement while the Chairman of Committees is in the Chair rather than the Speaker of the House. That's the only point I would raise.

MR. GREEN: The honourable member is probably correct. We're asking for an accommodation which I indicated previously - I suppose we could have the accommodation granted. The Honourable Minister basically has been misquoted by the press and would like to have that cleared up. With the leave of honourable members, we would like to have your permission to have him do this.

MR. JORGENSON: Well, Mr. Chairman, I have no objection to granting the Minister leave under even the present circumstances, providing that it is not taken as a precedent for future action.

MR. CHERNIACK: I appreciate the point made by the honourable member, but this is a little bit unusual in that my department has been flooded with telephone calls this afternoon by a large number of uneasy farmers because the Free Press report in two places refers to the use of purple gasoline as being not acceptable, not exempt for farm trucks, and I know that

(MR. CHERNIACK cont'd.) I did not say that and I know that many farmers are justifiably concerned about the thought that they may have been in breach of the law. So I wanted to clarify to the House, and I hope through the media to the public, that clearly it is purple diesel fuel that I referred to, and not purple gasoline, for use in farm trucks. I appreciate very much honourable members agreeing to let me make this statement.

MR. CHAIRMAN: The Member for Charleswood.

MR. ARTHUR MOUG (Charleswood): Could I ask a question of the Minister please? Are you aware that there is no such thing as purple diesel fuel?

MR. CHERNIACK: Mr. Chairman, I am not aware of the statement made but I'll be glad to check that out. The fact is that I am under the impression that we have been collecting, or waiving collection of tax by a dye that is used, and this may be an academic question but I think that it's not really a problem, that is that the honourable member is raising.

MR. CHAIRMAN: The question for consideration by the Committee of the Whole, on Page 4, No. 10. The Minister of Labour.

MR. PAULLEY: If I may, Mr. Chairman, I believe that we passed up Rule 6, the recommendation pertaining to Rule 6, for -- (Interjection) -- That's right. It was stood over for consideration and I'm wondering whether or not that that consideration might be given this evening. This is in the hands of the Committee. If they are not ready to proceed with it, well we have no objections at all in the consideration of the rules. Maybe the Honourable Member for Morris, who is deeply concerned with all of the rules, as indeed all of the members of the Committee are, may have some comment on Rule 6 at this time.

MR. CHAIRMAN: Is the Committee willing to consider No. 6, which is Rule Change 19 (2) which was stood over? The Member for Rhineland.

MR. FROESE: I thought, Mr. Chairman, that we would proceed with the report and come back later on to the points that were left in abeyance.

MR. PAULLEY: I'm just wondering what is the feeling of the Committee. If my honourable friend isn't ready to proceed as normal, well that's okay by me.

MR. FROESE: This was the agreement last night.

MR. CHAIRMAN: The Member for Morris.

MR. JORGENSON: I think I'm inclined to agree with the Minister of Labour: if the Member for Rhineland wants to delay this somewhat further, I have no objections to that. I may want to make a comment on it at this time for consideration of the House Leader, and that is that I had originally made a suggestion that, rather than having the Private Members' hour occur between 9:00 and 10:00 at night, which I think would not be acceptable to the Official Opposition, I made one other alternative suggestion that we continue the session on to 6:00 o'clock. I now outline to the government a further suggestion, another alternative that they may be prepared to accept, and that is that rather than starting the sessions at 2:30 in the afternoon that they start the sessions at 2:00 o'clock, and then the hour of Private Members' legislation could take place between the hours of 4:30 and 5:30 which would give the government an extra half hour and at the same time give the private members an opportunity of presenting before the House ideas and resolutions that would be properly considered by the news media and would have the consideration of this House.

My fear about a Private Members' hour that lasts till 9:30 -- from 9:00 till 10:00 o'clock at night, that there would be nobody left, either in the press gallery or in this House, to consider it, whereas between the hours of 4:30 and 5:30 I think we could reasonably expect that there would be good attendance both in the press gallery and in the House. So I ask the government to give this further consideration and, when the decision comes or when the time comes that we do make a decision on this matter, that this matter is considered.

MR. CHAIRMAN: The matter before the Committee then is Item No. 10: That Rule No. 26 (3) be amended. It was pointed out to the Committee that this should be taken in consideration with recommendations No. 10 and 11 on Page 7. The House Leader.

MR. GREEN: Am I correct, Mr. Chairman, in understanding that recommendations on Page 7, No. 4, would really supersede everything that's in 10 and 11? Therefore, if we can agree to look at that recommendation first, if we approve of that recommendation, then we needn't go back to No. 10, because Recommendation No. 4 deals with all of 26, sections 1 to 5, and No. 10 says 26 (3) so the two are a little inconsistent with one another and that's why I would think that we should deal with the superseding recommendation first to see if that is approved by the House. I could just explain the difference -- (Interjection) -- Right - that

(MR. GREEN cont'd.) what was a concern of many, many members and the difference in Ottawa, is that when a matter of urgency is moved, our rule is that the Speaker considers that motion for an hour, comes in and announces his decision, and that's it. Members are not even permitted to make a presentation on whether the question is one of urgency or not.

The new suggestion is that the Speaker would still have the motion for an hour, that then each party in the House would be able to speak for five minutes, one speaker for five minutes - I'm saying this from memory and I hope I'm right - each party would speak for five minutes, one speaker, on the question only of urgency. After those presentations are made, the Speaker would then rule as to whether the motion is in order and whether it is a matter of urgency. If he rules in favour, he puts the question. In other words, he says, "I rule the motion is in order. I rule the matter is of urgency. Are you ready for the question?" - the question having been a motion. A majority could still vote against proceeding on a matter of urgency, which I think would be probably a very unwise thing to do but they could do it. The Speaker, if the majority votes not to debate, then of course no debate takes place. If the majority votes to debate, the debate takes place, the debate continues, and my colleague advises me that the -- oh yes, each speaker would be able to speak for ten minutes and you would go as long as there were speakers, at least till the end of the Order Paper. At the end of that time, there is no necessity for having the motion withdrawn, which has been our rather fictional custom that the motion just was not proceeded with. What has happened is a motion has been put to the House; the House has approved the debate; if the House rejects the debate, no debate takes place. If the Speaker rules that it is not a question of urgency or it's out of order, it is still then open to honourable members to question that ruling of the Speaker as with any other motion that is put.

So the essential difference from our present rule, as I see it, is that the House is given an opportunity to argue, first of all, as to whether it is a matter of urgent importance or not, and after that argument the House has the right to decide as to whether the debate will be proceeded with or not. The present practice differs somewhat in that if the Speaker decides that it is in order, the House can only not hear him if they decide to appeal the Speaker's ruling. I believe this is the practice in Ontario and similar to the practice in Ottawa.

MR. CHAIRMAN: The Member for Morris.

MR. JORGENSEN: Yes, Mr. Chairman. The essential difference, as the House Leader has outlined, is that what we intend to do under this amendment is to provide an opportunity to members of the House to argue one of the important points about the question of allowing a motion under Standing Order 26 and that is the question of urgency. We felt that there was no way, without perhaps extensive consultation with the mover of the motion, that the Speaker could be aware in all the details of the urgency of a particular motion, and we felt that by permitting the debate to take place in this House on that question and that question only, just the question of urgency, that the House would be more properly apprised of the necessity of presenting such a motion, and it is in that context that the change was recommended for the consideration of the members of this House. We hope that this recommended change will meet with the approval of the House because it will provide what we felt has been essentially lacking in the presentation of a motion under Standing Order 26, and that is an opportunity for the proposer of a motion to apprise the House of the urgency of the particular matter which he presents for debate.

MR. CHAIRMAN: Is it agreed? The Member for Rhineland.

MR. FROESE: Mr. Chairman, I really am not opposed to what has been discussed so far in connection with Rule 26. The Minister of Mines is listening. I am not opposed to what has been discussed so far in connection with Rule 26. My objection is rather the change in wording here from "leave of the House to proceed" to "support of the House." This means that the onus is now rather to support than just to not objecting . . .

MR. GREEN: . . . those words which he must be reading from paragraph 10 and 11 would no longer be involved if one goes to Page 7. I believe I'm right. If he goes to Page 7, you won't find those changes that you are referring to. If we pass Recommendations 10 and 11, and No. 4 on Page 7, then the recommendations of Nos. 10 and 11 which my honourable friend is referring to won't even be considered by the House. We won't be making those changes that you're referring to at the present time. Am I not -- is that not correct?

MR. CHAIRMAN: The Member for Morris.

MR. JORGENSEN: The Member from Rhineland is labouring under quite a proper misapprehension because we have actually two sets, and I don't blame the honourable member

(MR. JORGENSEN cont'd.) because you know this is perhaps a fault of the committee in that we had two sets of hearings. The committee met last year and the year before and what is contained here in the set of recommendations that are now before the House are the recommendations that were presented in the year 1969, and then they're added to, on the basis of the experience that we had during the intervening session, they're added to and changed in some substance on the recommendations on the last committee hearings. So, in Recommendation No. 4, the Honourable Member for Rhineland will perhaps recognize some change in that we are suggesting an adoption of a similar procedure that is currently in use in the Ontario Legislature.

I think that we should apologize to the members of the House for not being quite as clear on this issue as we should be, but I accept the explanation given by the House Leader in that the essential recommendation is that we adopt the procedures of the Ontario Legislature, which gives members of the House an opportunity to debate the one question and the one question only, and that's the question of urgency, before the matter is put before the House for debate.

MR. CHAIRMAN: The Member for Rhineland had the floor. Has the Minister of Consumer and Corporate Affairs something to add to the clarification of the point that was raised? The Member for Rhineland.

MR. FROESE: I just wanted the one explanation -- the one question left in my mind is, does the 20-minute time limit, does that still apply? That's the only thing.

MR. GREEN: . . . would refer to the second part of that recommendation, No. 2 on Page 7: "If the House determines by its vote to set aside the normal business," etc., "each member who wishes to speak in the discussion shall be limited to ten minutes." But presumably there could be -- you know, the reason for that I think is quite obvious. The debate only lasts until 5:00, and in order to give as many members an opportunity to participate as possible, we have recommended the same as the Ontario practice, it's ten minutes, which does justice to all of the honourable members.

MR. CHAIRMAN: The Minister of Consumer and Corporate Affairs.

HON. BEN HANUSCHAK (Minister of Consumer, Corporate and Internal Services)

(Burrows): Mr. Chairman, perhaps some of the members of the committee could refresh my memory on the interpretation of this rule. It would appear that if the Speaker rules a motion to adjourn the House out of order, then that is not subject to appeal to the House.

MR. GREEN: . . . but if the Speaker rules it out of order, any ruling of the Speaker is challengeable by the House, that a member . . .

MR. HANUSCHAK: Mr. Chairman, if that is the case, then perhaps we ought to take a second look at this rule because if we read it carefully, if the Speaker's ruling is subject to appeal, then I don't know what point there is in the Speaker going through the exercise which he must go through, -- (Interjection) -- Well, the rule reads, and this was the whole purpose of it, to allow members of the House to debate the question of urgency, whether the House should adjourn at that time or not, and there's a five-minute debate allowed on that point. And then the rule goes on to state that Mr. Speaker shall then rule on whether or not the motion is in order and of urgent public importance. If he rules in favour of the motion he will then put the question: "Shall the debate proceed?" In other words, it's the House that decides whether debate shall proceed or not. Now, if he rules it out of order -- (Interjection) -- Well then, what's the point of his ruling it out of order? Why not just simply put the question, "shall the debate proceed?" and let the House decide. Why should the House go through two decisions?

MR. CHAIRMAN: If I may, I would appreciate it if the remarks were directed to the Chair rather than debate between attorneys.

MR. HANUSCHAK: . . . my point, because then it appears that firstly, the Speaker rules whether the motion is in order or not, and if it is not, if he rules it out of order his decision may be challenged, and then he puts the question to the House again, shall the debate proceed? Would it not be simpler to simply let the House decide and eliminate the need for the Speaker to make a ruling?

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Well, Mr. Chairman, I don't see the Minister's real problem. I think that it's similar to any other motion on which a Speaker's ruling is put. Let us assume that there was a private member's resolution and the resolution is moved and somebody raises a question of order, that the resolution is out of order, and there's an argument as to whether it is or is not in order. The Speaker then rules that it is out of order, and if he is not challenged the

(MR. GREEN cont'd.) Speaker then says, "Are you ready for the question?" What we are saying is that after he rules the debate to be in or out of order he asks, "Are you ready for the question?" and the question is then voted on. The House always decides in the end. The only difference is is the House going to decide that it wishes to upset the Speaker or is the House going to decide that it's going to ignore the Speaker.

I'm afraid - you know, we had this argument yesterday in the House with the Speaker. I really think that it's unwise for a Speaker, except in a flagrant case, to rule on a question unless there has been an objection raised. We had that situation yesterday where the Speaker ruled on a resolution and then we proceeded by unanimous consent. But there are two situations. If the Speaker rules that the debate is in order then certainly there is a difference. In a group of people turning down the debate after the Speaker has ruled it in order, it becomes a public kind of decision or what is normally referred to as a political decision as to whether the House is going to insist that a debate be held or be not held in spite of the Speaker's ruling.

MR. CHAIRMAN: The Member for Morris.

MR. JORGENSEN: Mr. Chairman, I think it should be clearly understood that there are first of all several reasons why a motion to adjourn the House can be ruled out of order. The question of urgency is but one of them. There may be, according to Beauchesne's Rule 100 on Page 89, there are several reasons why a motion to adjourn the House can be ruled out of order and the Speaker decides on the basis of the precedents that are established as to whether or not a motion is in order. There's only one question that we are leaving for the House to decide and that is the question of urgency, and the member who proposes the motion, we feel, under our practice should be given the opportunity to explain that question of urgency, because although the Speaker through his staff may be able to determine all the other criteria for admitting a debate in the House under Standing Order 26, there's one criteria that he cannot establish beforehand because he may not be familiar with the reasoning behind the proposal of such a motion.

It is proposed that the mover of the motion and any other member of the House, or at least one speaker from each party in the House, be given an opportunity to express an opinion on the question of urgency so that once the question of urgency has been established then the whole position insofar as the Speaker is concerned then becomes clear as to what course of action he shall follow. He has already, in the hour that he has to peruse the motion, he has an opportunity to determine all the other criteria, but on the question of urgency, he's given that opportunity on the basis of the debate that takes place, the five minute opportunity from a speaker from each party of the House, and then once that has been determined then the Speaker can make the decision. This is the essential difference in the rule that we've had in the past and the proposed change that we are making here.

MR. CHAIRMAN: Agreed? The Member for Rhineland.

MR. FROESE: Mr. Chairman, before we agree to this, there is one point that I certainly would like to bring to the attention and that is that it says here one member from each of the other parties in the House may state the position of his party. With respect, are the Liberals and myself going to be recognized? This is the other point again. Otherwise, it's just a matter between the Conservatives and the NDP as to whether the motion, the urgency is going to be dealt with or not, whether it will be agreed to. I feel that this is not in order.

MR. CHAIRMAN: (Agreed) Back to Page 5. It is my understanding that this supersedes 10 and 11, so the matter before the House is No. 12: That Rule 57 be amended by deleting the word "made" and substituting therefor the word "accepted". So that would make Rule 57: ". . . and only one amendment and one sub-amendment may be accepted to a motion for the Speaker to leave the Chair for the House to go into Committee of Supply or Committee of Ways and Means." The change of wording from "made" to "accepted".

MR. JORGENSEN: . . . last session there was some confusion created because there were I believe two motions before the House, one of which was not accepted, and so there was some debate arising as to whether or not the second one was in order because the first one had been made, and what we're attempting to do here is to make it clear that if a motion is made and not accepted that does not constitute a motion unless it is accepted.

MR. CHAIRMAN: (Agreed) I trust all members have their rule books open before them.

No. 13. That another clause be added to Rule 70 to provide for the replacement of a member of a Committee in extreme circumstances such as death, long illness, but not substituted for one occasion, and that The Legislative Assembly Act be amended accordingly. The

(MR. CHAIRMAN cont'd.) Minister of Labour.

MR. PAULLEY: Mr. Chairman, if I may, this seems to be rather complicated and I believe that some consideration has been given to some slight change in the item No. 13 that doesn't really alter the substance, and I would like to propose an amendment to Section 13 in reference to Rule 70 which would read thus: "that provision be made under Rule 70 for the substitution of a member of a committee by another member of the committee, but the member replaced would cease to be a member of the committee." In other words, to take out the reference to death or illness precisely. The intent of my alternative suggestion is that substitution of a member of a committee is permissible by the committee but the member replaced would cease to be a member of the committee. In other words, if my honourable friend from Morris was on a committee and the committee at his request presumably wanted to replace him, then the committee would have the power to replace him and then he would not be eligible to return to that committee until the committee was reinstated. That basically is broadening out the area for replacement rather than being considered in extreme circumstances such as death, long illness. The idea behind this would be for other considerations as well. If it was desired that the member be replaced by the committee that it could be done, but that the member who is replaced would not be eligible to go back onto that committee until of course the committee is dissolved and a new one replaced. Now that's the general idea. I don't know what my friend from Morris may think of this, Mr. Chairman, but it's really broadening the scope.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: Is it not a prerogative of the House that members will be changed on the committee?

MR. PAULLEY: Well, Mr. Chairman, on that point, it is the prerogative of the House, but under the present rules the committee hasn't got powers of substitution and the objective of this is that the committee would have that power, as indeed the House has while the House is sitting, but in the event of a change desired when the House is not sitting, then the committee would be able to change its membership.

MR. CHAIRMAN: The Member for Morris.

MR. JORGENSEN: Mr. Chairman, the Minister of Labour has outlined the intent of this change and that is to ensure that membership on a committee is complete at all times. There are occasions when a member of committee finds between sessions that he is not able to attend too many sessions, in which case it would be possible then to suggest a substitute for that committee without having to come back to the House, and my honourable friend from Rhineland may even find that as a result of this he may be asked to serve on a committee in somebody else's place - and that is a possibility.

The only reservation that I place on the suggestion made by the Minister of Labour is that I believe that continuity of membership on a committee is an important fact of the deliberations of that committee and if there are too frequent changes on a committee then you lose that continuity, and the ability then to arrive at a final decision when compiling a report for presentation to this House is lost. I hope that there can be some limitation placed on the number of times that such changes can take place in order to ensure continuity on a committee and the ability of members of that committee to be able to submit to the House a proper report of the proceedings of the committee.

MR. CHAIRMAN: The Minister of Labour.

MR. PAULLEY: Mr. Chairman, in regard to the point raised by the Honourable Member for Morris, I agree entirely with what he is saying. I wonder if he could offer any suggestions as to how this might be accomplished within the rules. I know the intent is there, and in proposing this alternative suggestion I also am mindful of what should be normal procedure in the committee, that the committee would replace the member who is leaving the committee by a member of the same group if at all possible in order that representation doesn't go out of balance. In other words, I wouldn't want it construed that the majority membership of a committee could say, well now, Joe Blow isn't going to be able to take part in the committee proceedings, Mr. Chairman, so we'll replace him at his request by somebody of the majority group. I wouldn't want that to happen. It'll have to be on a basis of trust and I'm sure that we can have mutual trust on replacements. The point raised by my honourable friend from Morris is quite valid, but how to spell it out may be rather a complicated process. I think we'll have to -- well, maybe we can consider it on a basis of honour and see how it works out,

(MR. PAULLEY cont'd.) and if it doesn't work out on the basis of honour then I suggest that those concerned will certainly raise the point the next time the House meets.

MR. CHAIRMAN: Before the member responds, the Chair seeks the advice of the committee also. The committee had indicated that the amendments or changes which had been agreed to would be promulgated by the way of mimeograph sheets following the deliberations of the committee. Is it the intention of the committee to return to committee to specify in, you know, in some specific way what these amendments shall be, and with this one before us, what the wording of the amendment should be, because this, in the opinion of the Chair, is rather nebulous. It appears to have general agreement of the intent but the mechanics, there's no -- in my mind there's nothing before the committee to say just exactly how this should be done. The House Leader.

MR. GREEN: Mr. Chairman, in most cases the actual amendment is listed. In those cases where it's not, I would think that the responsibility of the Chair would be to come back with the change which involves in principle what is said. In some cases in these recommendations there's nothing for the committee to do except pass the resolution. For instance, changing legislation, the committee is not going to change the legislation. It will then be up to the government to bring in legislation in accordance with the committee request. But where the changes are clear-cut they should be made just part of the rules; where they are not clear-cut they should be redrafted and put to the committee.

MR. CHAIRMAN: This, then, is within the prerogative of the Chair with legal counsel to bring in specific amendments. The Member for Morris.

MR. JORGENSON: Mr. Chairman, in response to the questions posed by the Minister of Labour, I can think of only two solutions to the original problem I posed. One of them is that the present rule suggests circumstances under which substitutions can be made. The second one is one that he's already mentioned, and that is that the proposed rules are going to be implemented for a trial period and after that period we'll be able to determine how well they work out. I think the intention of the Rules Committee, when they submitted these recommendations before the House, that they would be implemented for a trial period to find out how acceptable they would be to the members of the House, and if at the end of that period there were some proposals made for change, they would then be considered.

Perhaps the better way of dealing with this particular suggestion is to adopt the suggestions contained already in Rule No. 13, and that substitutions be made on the basis for specified conditions which are contained in Rule 13 and then let us see if that poses some difficulties. I predict that it will not. I suggest to the Minister that the present recommendations may be precisely the thing we're looking for, because I can't think of any other circumstance that would prevent a member from attending committee hearings unless he is just simply unwilling to attend committee meetings, and if that's the case he shouldn't be on the committee in the first place, because one assumes if a member is appointed to a committee, he's appointed to that committee by his own consent and is prepared to attend committee meetings when they are called, and if he is not prepared to do that then he should indicate that before he's placed on that committee.

MR. CHAIRMAN: The Member for Swan River.

MR. BILTON: Mr. Chairman, I have no difficulty in accepting the sincerity of the Minister of Labour in what he is suggesting, but at the same time I would remind the Assembly that the committee in the first instance is appointed by this House, and if you take away the pertinent facts as to why a member should not carry on his duties it seems to me that you're opening somewhat of a floodgate, not necessarily for abuse, there's some other word to use, but at the same time I feel that the committee in making the recommendation it has, have done that with sincerity and there is a reason and a positive reason in the acceptance of this recommendation as to why that member cannot serve and that the committee should be one less until the House appoints someone in their place.

As I said earlier, I have no reason to feel that I can't accept the opinions that have been given, but I'm suggesting to the House to be very very careful on this point. It's something that can get beyond the confines of the House and the House is supreme. The House elects the members and what we are saying now, or what is being suggested is that in the event of a member not being able to tend to his duties that the committee will appoint someone in his place, and I think that is taking something away from the responsibility of the House and we must be very very cautious on that point.

MR. CHAIRMAN: The Minister of Labour.

MR. PAULLEY: If I may, Mr. Chairman, the committee considered the points raised by the Honourable Member for Swan River. We went into detail and it was the almost unanimous decision of the Committee on the Rules that this recommendation would be presented, because from past experience we have known that some committees have almost been unable to have a quorum because of illness of a member of the committee and this is an attempt to overcome that, and if the House gives through the adoption of the proposed rules permission, then in essence it still is a directive of the House, Mr. Chairman.

Now I'm prepared to accept the proposition of the Honourable Member for Morris and I'm prepared to withdraw my suggested amendment to give trial, or a period of trial to the original recommendation of the Committee on the Rules of the House; namely, death and long illness will be the criteria for the change of a member. The only reason that I suggested this alternative was I could visualize the Honourable Member for Fort Garry, as he is wont to do, going on an extended six-months' tour of the Mediterranean Sea and he may not be available for committee meetings like you say, and on him making that known to the committee, the committee could substitute him for one of his colleagues. That was the basic reason for this, that my honourable friend might not know that at the time he was appointed a member of a committee by the House. So I'm prepared, if it's agreeable, to go back to the original suggestion of the Committee on the Rules on a trial basis and let's go from there.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: Mr. Chairman, I'm not sure at this point whether in the first case you did have a motion, whether it has been withdrawn now, because we were discussing a new set of principles as far as I was concerned. I would think it would be essential for any member, for any new member to be appointed, that the one that was first appointed would have to resign and that this could not be done without a proper resignation. However, now that the Honourable Minister wants to have this withdrawn, I take it that the withdrawal will be accepted.

MR. CHAIRMAN: The Member for Birtle-Russell.

MR. GRAHAM: Before you pass this particular clause which would amend Rule 70 of our rules, I must confess that ignorance of the rules is no excuse on my part, but there is something in Rule 70 which I would ask for clarification on and this is the specific of the Rule 70 which says: "of the number of members appointed to compose a committee, a majority of them are a quorum unless the House otherwise orders". Mr. Chairman, I believe that it has been the practice of the committee to set their quorum rather than the House and I wonder if we have been in error in the past and if there is any attempt on the part of the committee to recommend that this matter be changed.

MR. CHAIRMAN: The point is very well taken.

MR. PAULLEY: He is right because I recall, for instance, on Law Amendments Committee they decided, when we had 56 members or whatever it was on the committee, 20 was a quorum or something of that nature which was not a majority; it was the committee that ordered that and he's right. As a matter of fact that is the rule of this House, Mr. Chairman, as well, that of 57 members, the majority of this House is not a quorum but 10, and if there are not 10 members in attendance well we just don't do business that's all. So there is ambiguity in the rule and I suggest that the honourable member is not far out at all when he mentions this.

MR. CHAIRMAN: The Member for Morris.

MR. JORGENSON: A point that I think should be clarified right at this stage and that is, at least on one occasion during this present session where one committee has met, the quorum has been set substantially below what is required by Rule 70, and now I would like to ask the House Leader if the decision of that committee is violated by this particular rule and that that committee at its next meeting will have to comply with the rule of the House, unless otherwise ordered by the House, and the decision as to what the quorum will be, if it's below 50 percent of the membership, then must be made by this House rather than by the committee itself.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: On that basis I would suggest that the business that was done by the committee was ultra vires and is not legally passed in this House. I would go along with leaving Rule 70 as is and that we have better attendance at our committees.

MR. PAULLEY: Mr. Chairman, as pointed out to me by the experts - and I acknowledge their expertise - when the committees make a report to this House of their transactions the motion or the report of the committee indicates that the committee sets the quorum of X

(MR. PAULLEY cont'd.) number of members and it's before the House for approval, and the House on every occasion, as far as I can recall, approved the report of the committee in that respect without argument, so technically the House does approve of a lesser quorum than a majority. Also, the Clerk drew to my attention a very interesting point that in some jurisdictions, and I guess that's where this rule came from, Mr. Chairman, the composition of the committees are placed before the House, the Chairman's name is also placed before the House and the quorum of each respective committee is placed before the House at the time of the acceptance of the report of the committee which is set up to approve of the committees, so basically it is by the House, by the hindside or the front door or the back door in any case.

MR. CHAIRMAN : Is it the wish of the committee to amend this apparent ambiguity? The Member for Morris.

MR. JORGENSON: I think that one of the things that must be recognized here in the setting up of future committees, notwithstanding the advice of the Clerk - and I accept that advice - because once a report of the committee which contains the quorum is accepted by this House, it becomes de facto an acceptance of the reduction of a quorum. But I think also that it must be recognized that if any member chooses to challenge that decision on the part of the committee that can be done in the House, and I think that we should be guided by Rule No. 70 in the future, that unless the House has approved of the lowering of the quorum less than 50 percent of the membership that the committee itself has no right to do that if someone objects to it.

MR. CHAIRMAN: To sum up then, the Clerk advises the Chair also that it would be in keeping with Rule 70 because an act of the House is an order of the House so therefore under Rule 70 it would be an order of the House.

14. That Rule 96(2)(f) be amended by deleting the figures "50" and substituting therefor the figures "49". That was just the wrong reference, I believe. (Passed)

Would it be the feeling of the committee that No. 15, which refers to Private Members' Day, be considered with Item 6? So we'll have Item 15 stand.

No. 16. The Committee recommends that the number of pages be increased to four, boys or girls, in order to permit them to alternate their duties in the House, and the choice of pages be made on a rotating basis from the high schools.

MR. GREEN: I don't suppose the Honourable Member for Rhineland would say that it's illegal that we've had them up until now.

MR. FROESE: . . . the House Leader make the remark, therefore I better respond, No, I think I am quite in approval of what was done in that regard.

MR. CHAIRMAN: Order please. On No. 17, I would refer members to Page 7 once again for Recommendation No. 17 was referred to a sub-committee, so 17 is a matter of information. (Passed).

No. 18. The Committee recommends the installation on a permanent basis of sound equipment, with recording and amplifying facilities, for Committee meetings in Room 254. The sitting Committee will decide in each case whether or not a transcript will be required. (Passed)

No. 19. It was recommended that the matter of the Members' indemnity be . . . This is a matter of information. (Passed)

No. 20. I would refer members to Page 7, No. 6.

MR. PAULLEY: I might say, Mr. Chairman, I believe that No. 20 is being done although 7 hasn't been fully implemented, but changes were made so that secretarial staff for all official parties have been provided during the recess so I would suggest it could pass.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: I didn't get the Honourable Minister's statement that he just made.

MR. PAULLEY: -- (Interjection) -- No, he didn't get the secretary at all because under 20 the recognized parties were in the first instance to get secretarial staff all through the year, and I believe in my capacity as the acting chairman of the Board of Internal Economy arrangements were made for this to be done. I did say that insofar as the other members of the House than those of recognized parties, that hasn't been fully accomplished but it's under consideration.

MR. FROESE: Mr. Chairman, then I must definitely register a complaint here. I wasn't aware that this was already done to the other recognized parties. If that is the case then certainly the members of the Liberal group and myself should be complaining because

(MR. FROESE cont'd.) we're entitled to the same service as other members in this House. Sure enough. And more so probably because we have to do more work. We cannot delegate the work to anyone else, so we have to do it ourselves and therefore we are in greater need of this assistance than the other parties are. So at this time, Mr. Chairman, I certainly want to register a complaint with you and that this be provided to the other members of the House, immediately.

MR. CHAIRMAN: . . . remarks are duly noted.

MR. PAULLEY: I want to say to my honourable friend it will not be provided immediately to individual members of this House.

MR. FROESE: For what reason may I ask then?

MR. PAULLEY: Because it costs enough as it is right now.

MR. FROESE: Well, Mr. Chairman, to have a statement like that coming from a Minister of the Crown, I think that is highly improper.

MR. PAULLEY: Mr. Chairman, whether I'm a Minister of the Crown or not, is my honourable friend suggesting that each individual member of this House should have a private secretary, all year round? That's what his suggestion is, is it? -- (Interjection) -- Male or female?

MR. CHAIRMAN: (Passed) 21. With respect to the Committee system, the Committee recommends that departmental officials be allowed to sit on the floor of the House in front of the Minister after the first item is passed (Minister's salary) on the Estimates in the Committee of Supply.

The Rules of the House be amended to permit: (a) Officials to be present in the House in the Committee of Supply and, (b) The Minister to speak in the House, while in the Committee of Supply, from a place in the first row of benches. This is to permit the Ministers in the second row of benches to come down to the first row of benches near the officials of their departments.

MR. PAULLEY: Mr. Chairman, if I may. This would be a departure from tradition in this House. I understand that in some Houses this is permitted in order that available information is handy to the Ministers concerned, and I might say this is a matter that I personally advocated for a considerable period of time. And the second point dealing with Ministers being in the front row during consideration of their Estimates is because of the rule of the House that a member must be seated in his own place, or at least be in his own place in order to participate in debates and to vote thereon. Now the committee did consider this quite seriously and I think it is worthwhile for a try. We have had a wigwam system or pony system of notes coming from on high over the years from officials of the department during the consideration of Estimates. Maybe this is something that the Committee could recommend for adoption.

MR. CHAIRMAN: It would be my understanding that perhaps this should be entered in as an amendment to Rule No. 27 with a cross reference to strangers in the House perhaps, for 27 says "Every member desiring to speak shall rise in his place uncovered and address himself to the Speaker." We are referring to Committee of the Whole but the rules in the Committee of the Whole stem from the rules of the House in this particular case, so an amendment to this particular rule . . .

MR. PAULLEY: I believe you're right, Mr. Chairman, and I might point out, too, it is well known that the Legislative Counsel on third readings, Committee of the Whole for third readings, has been coming into the House as a guide. He is an officer of the House that's true in that capacity but this is an indication of what is being done so I recommend it . . .

MR. CHAIRMAN: The Member for Lakeside.

MR. ENNS: Mr. Chairman, I rise just briefly not to oppose the suggestion that is being recommended here and I concur with the Honourable the Minister of Labour's remarks, but I feel that there should at least be a whimper, a whimper of protest at this deviation from tradition in the sense that it seems to be another acknowledgement, humble and small as it may be, of bowing to the ever increasing bureaucracy that surrounds us. Up to now at least we have as individual ministers of the Crown had to be in a position of at least knowing our departments to the extent of having to answer for them directly when questions are asked. I recognize the growing complexity of government is such as it is, that this suggestion is perhaps a correct one and a wise one and an inevitable one, but let me at least be put on record as saying that it is again one of those inevitable erosions of the importance of the elected person in a sense that once, of course, you recognize that the chief administrative officer of

(MR. ENNS cont'd.) the department is sitting beside the Minister and you're going to ask him the question, who knows all the answers because he works with him daily, then why really ask the questions of him -- (Interjection) -- that's true, but at least now, Sir, we have to devise individually our own codes of flags and signals, morse code, to be able to read quickly the notes that are passed down and we have that occasion to at least embarrass the Minister while he looks up pleading to the Gallery - will you help me, will somebody help me - and that's one little opportunity that is being lost to the Opposition to make that little point. And I, Sir, was in that position more often than any of those members, Sir, in some of the heights of water that I flooded around in during my ministry, namely 35 feet, or the hordes of vegetables that cascaded upon my shoulders as a brief Minister of Agriculture. But, Sir, nevertheless I register, as I said, my whimper of protest with respect to this acknowledgement of bureaucracy raising its head again.

MR. CHAIRMAN: It was a little quiet. The Member for Morris.

MR. JORGENSON: Mr. Chairman, I acknowledge the meek whimper of protest offered by the Member for Lakeside and must confess that this matter did come under consideration when the committee discussed this particular item. What he says is true, that it does take away from the Minister who is responding to questions on his Estimates, the initiative that was so eloquently displayed by my colleague about flag waving and messages coming down from the Gallery, but balanced against that was the fact, which has been my experience in this House, that about 70 percent of the questions that are asked in the Chamber of a Minister during the consideration of Estimates are taken under advisement and an answer is promised but never forthcoming. And we felt that better to have as many of the questions answered on the floor of the House where there is a record of those answers rather than the roundabout way of supplying answers to the members outside of the House where nobody else has an opportunity to check up on them.

So, although I acknowledge with sincerity the point raised by the Member for Lakeside, it's a very valid one, I think we balance against that the desirability of getting answers on the record, because I am one that likes to see that record from time to time and balance the answers to questions given at one session against answers that may be given at another time. So for that reason we had recommended this rule change and we hope that at least for the trial period -- everything is conditioned upon the acceptability of these rule changes on the basis of experience in this House for a period of time, and if it doesn't work out then we will have an opportunity to observe it and then change the rules at the end of that trial period.

MR. CHAIRMAN: (Agreed). The Member for Rhineland.

MR. FROESE: I imagine this change is probably because of what has taken place in the Federal House. I've seen them discussing Estimates when there were only a handful of people present discussing the Estimates, but up until now we've had the messages come down and now we will no longer have all good things come from above, now the good things will come from the floor of the House, I suppose. -- (Interjection) -- From the Den of Iniquity probably as the Minister of Education says. Maybe some of the Ministers like the Minister of Health is badly in need of assistance of this type and I think he'll probably be the one that will need a lot of assistance during this session so that we are giving them the necessary assistance that they require at this time.

I personally will not object to it at this time, not at all; I think if we can get the information more readily this way, I think it will be to the good.

MR. CHAIRMAN: (Passed) The Member for Swan River.

MR. BILTON: As a member of this committee, I look forward to the acceptance of this recommendation by the House. The thing that sold me on the idea was the fact that in the good old days when the Estimates were something in the neighbourhood of 100 million dollars, the suggestion that's put out by the Member for Lakeside was no doubt acceptable, but we've come to the stage now, Sir, where we are handling something in excess of 400 million dollars, and I think for the good of the House as a whole, to have this assistance for the Ministers from time to time, particularly those that are expending a great deal of money, I think the House is going to benefit enormously by this practice.

MR. CHAIRMAN: (Passed) Item No. 22. May I read this through in its entirety and then we can consider it clause by clause. "Having heard the representatives of the radio and TV industries it was felt that the views of the Committee were:

1. The committee would be willing to make facilities available to all media.

2. The Radio and TV media be requested to prepare recommendations or proposals of the requirements for the technical facilities which would be referred to a committee chaired by Mr. Speaker.

3. The Attorney-General be requested to prepare a legal opinion as to the immunity of the members on the floor of the House should the Radio and TV media be in use in the House.

4. The request from this Committee for recommendations or proposals by the Radio and TV industries be forwarded to the Manitoba Association of Broadcasters.

The Minister without Portfolio.

MR. DOERN: Mr. Chairman, this has been a subject of debate for some time. I think that it's an excellent idea. I think that sometimes the notions of the media as to what is exciting and so on will have to be made by them, although I'm not sure that I always agree. For example, they seem to think - I've heard this expressed that the best times or the most exciting times are the question period each day. I personally have never held that view. I tend to think if the media were to come in at the time of some of the major debates, which to me are the Throne Speech and the Budget, when I think some of the better speeches are given, that this is the type of television which would be of the greatest interest to the viewer. Not the abbreviated question period but rather when members have a chance to prepare their remarks.

I recall very well that when we won the election in 1969 that the CBC sent a film crew in and photographed, I think it was a caucus meeting, and I think all members were quite aware of the cameras present and it tended to in some way restrict the spontaneity of the moment. I personally felt that the film was pretty dull although the people who shot it thought it was the most exciting television they had ever seen. I wish that they were able to photograph some of our caucuses on all sides of the House when important issues are being discussed because I think that would be television drama at its best. I also think it would be rather surprising to some of the members opposite if some of the Cabinet meetings could be filmed because they tend to think that there's a great deal of conflict, but I think they would be surprised at how businesslike and how efficient these meetings are. I can say, Mr. Chairman, as an objective observer that I think that the manner in which the business of the province is handled is, you know, a credit to the people who are in the Cabinet. -- (Interjection) -- I'm not patting myself on the back but my colleagues.

Mr. Chairman, I think there are a few so-called no no's which would have to be worked out between a committee of the House and members of the Radio and TV industries because I think, for example, some of the prohibitions that have been in effect before were for the purpose of seeing that members were not unfairly embarrassed or criticized via photographs. So therefore I think there would have to be a number of rules that would have to be agreed upon, for example, so that the media would not be allowed to photograph a member's empty seat at a time when a member might be out on business or that say a member who was for once in his life yawning, wasn't portrayed as a member who was showing no interest in debate, or someone who was working so hard and had fallen asleep in the speed-up motion period. Some of us are less, what shall I say, strong than my colleague the Honourable House Leader who can go 24 hours without sleep. I think that that sort of thing must be kept in mind, but I also think that it would be most valuable if there was some television coverage. For my own view, I don't really feel that hours of coverage per day would be of interest to the public but selected coverage would; and as I said, Mr. Chairman, I think that some experimenting with this would be useful, particularly at a time when we debate the Throne Speech or the Budget, on an experimental basis.

MR. SPEAKER: The Member for Morris.

MR. JORGENSEN: Mr. Chairman, I would take issue with the comments made by the Minister Without Portfolio. Personally . . .

MR. CHAIRMAN: . . . ask a question of the committee? There seems to be, No. 1 that the committee would be willing to make facilities available and then 2, 3 and 4 go on to make recommendations that an on-going study be made. I just wonder what we're addressing ourselves to.

The Member for Morris.

MR. JORGENSON: Well the point that I was going to make, Sir, is that I couldn't care less what the news media wants to report of what they see in this House. What the public see so far as we're concerned is what the news media portray us and it may be good and it may be bad. Some of us may like it and some of us may not like it. We can't be the eyes and the ears of the news media; that is their responsibility and I'm perfectly content to leave that to them. I don't ask them to write my speeches and I don't ask them to deliver them. They're free to comment on whatever performance I make in this House and I think they're free to comment on whatever anybody's performance is in this House. I don't care if they want to have a camera up there 24 hours a day; I couldn't care less if they wanted to film me while I'm sound asleep in my seat or what I'm doing. It is my responsibility to conduct myself in such a way that I'm not embarrassed myself.

The only thing I do suggest in this Chamber is that if there's going to be filming of the proceedings of this House that the taxpayer is not going to be asked to finance it. If the Canadian Broadcasting Corporation or the CTV network want to combine together, set up a camera in here and photograph or film the proceedings of this House, as far as I'm concerned they're perfectly free to do that. I make one condition to that and that is that they don't blind us as they did on that one occasion when we did have cameras in this room, but I understand that there are cameras that are available that can film the proceedings of this House without interfering with the temperature or interfering with the normal work of the members, and as long as that condition is adhered to they're at liberty - and this is what this recommendation suggests - that they can go ahead and do whatever they like as long as they don't ask the taxpayer to pick up the bill for it.

There may be some rather interesting repercussions; there may be some interesting results and it may affect the conduct of the members in this House, and just for the record I would like to read something that came out of - I don't have the date here but I believe it came out of one of the daily newspapers here in Winnipeg written by William Morgan - and he goes on to outline what might happen if the television cameras are admitted into the House of Commons. He goes on to say that "with Speaker Lucien Lamoureux urging the House of Commons to deal with the problems of television and radio coverage of the House, it may not be too long till we see cameras in the Commons Chamber, and if that change comes it may be followed by a shift of emphasis in newspaper entertainment pages to" - and this is the name of a member, I presume - "modest Dumbbell Waits for Right Part, by John Doe, TV Editor." It goes on to say, "Despite his powerful, compelling performances on the nation's TV screens, ruggedly ugly Wilfrid Dumbbell, the Progressive Conservative" - Oh, I shouldn't have read that - I read it wrong, it's "the possessive conservative Member for Parliament for Yukon to be serious is some ways deeply reflective; indeed, Wilfrid's House of Commons dressing room has mirrors on every wall.

"When I called on Wilfrid Dumbbell last week he was having his hair done while resting between sessions of the debate on a bill to abolish the Dominion Coal Board. Naturally, I asked Mr. Dumbbell how he was enjoying his role in this particular bill. 'Well, as you know John,' he said, in that voice which has thrilled housewives from Kamloops to Campbelltown, 'mine is really one of the smaller parts in this bill, sort of a character vignette. I only appear very late in the debate making this touching plea about how coal is an important part of our industrial heritage and how we'd be in a very serious bother if all our oil and hydro electricity and atomic power suddenly dried up all at once. But of course it's abundantly clear at all time to the 11 people still in the Chamber that the views I represent are touching but anachronistic and my amendment is easily defeated.'

"I asked Mr. Dumbbell if he was at all worried that playing such a part such as this would injure his career. 'Oh no, John' he said, 'no, no, John. I mean I've been wanting to play an older part for some time now and there's a perfectly wonderful cast involved in this Dominion Coal Board Abolition Bill. You know, stars like Joe Greene, Jean Marchand and Bob Stanfield; one always enjoys working with the real pros, even in a small role.'

"Of course when the House of Commons fans across the country see the stars in action, they imagine that MPs live a life of pleasure and ease but there are problems as Wilfrid explained. 'Dressing room space is in short supply as always and of course that is the real problem in this place. There's absolutely nowhere to hang most of my costumes and staff is even more difficult. At the moment I am trying to battle along with just one makeup girl, one hairdresser, a wardrobe mistress and a secretary who has some experience as a masseuse

(MR. JORGENSEN, cont'd.) . . . and a manicurist, but it's a constant mystery to me how I keep on looking as wonderful as I do on camera.'

'What about other parts? Did Wilfrid have anything planned for the near future? 'Well this is just the problem,' explained Wilfrid. 'As I said, I'm only playing a character role in this Dominion Coal debate and before that I was just keeping my hand in by doing a few Question Periods and the odd parliamentary committee. The whole reason is that I simply haven't been able to find a part that's really me and it's not that I haven't looked.' " And that, I think, applies to the Minister without Portfolio. He's been really looking for a part and hasn't been able to find it.

" I've been reading Task Force Reports and written replies until my eyes water but there just doesn't seem the right kind of serious role available.' And what would Wilfrid like to do most? 'Well, I think I'd be very good in a debate on a really large national disaster, something genuinely challenging like that, perhaps a declaration of war. You know, a debate with speeches that members can really get their teeth into.'

"I also asked Wilfrid if he'd turned down any offers lately. 'Well yes, I was asked to audition for one of the leading parts in the forthcoming Budget Debate. I'm sure I could have got it and it would have been marvellous playing opposite old Ben Benson again. He's a wonderful character actor you know, but the part really just involved making a fierce attack on the government's spending plans, catching the Finance Minister on a procedural error that causes a snap vote and almost getting a vote of no confidence carried, but the government gets enough MPs there just in time and wins the vote. As I say, it's a good part but in many ways it's too much like the role which made me famous in my first House of Commons Budget Debate four years ago, my first starring role. I'm an entirely different person now so there wouldn't be much opportunity to express my real true self and besides, the worst possible thing you can do in this business is to let yourself become type cast. I mean just look at John Diefenbaker.' "

So, Sir, it could change the personalities of the members of this House if cameras were allowed in this place and I think that would be a tragedy. I'm not opposed, I'm not opposed to the television cameras coming into this place if the news media believe that it's going to perform a public service, if they honestly believe that the televising of the debates in this Legislature are of interest to the viewing public then that is their consideration. All I ask is that the taxpayers of this country be not asked to subsidize it, that if they're going to do it they're on their own.

MR. CHAIRMAN: (Passed) No. 23. The Committee agreed to approve in principle the granting of funds for research to party caucuses on an equitable basis, the mechanics to be worked out by a reconstituted Committee on the Rules of the House. The Member for Rhineland.

MR. FROESE: . . . wanting to refer to the previous one. I didn't know you were going to deal with it in total, all four points at one time.

In looking at the second paragraph under 22, and the fourth one mentions this committee, are they referring to the committee that is being headed by the Speaker here or is the reference made to the Committee of the Broadcasters or the radio and TV people, because it's not clearly spelled out in my opinion.

MR. CHAIRMAN: The House Leader.

MR. GREEN: Mr. Chairman, my understanding is that when the report is approved by the Legislature that the committee, if it's still in existence, the committee that was considering the Rules would request the radio and TV industry to forward their report -- to forward their recommendations which are provided for in Clause 2. If the committee is not in existence then common sense will prevail and I assure you that somebody will ask the Manitoba Association of Broadcasters to let us have their recommendations.

MR. FROESE: Well, I would just like to comment in connection with the third paragraph there, that the Attorney-General be requested to prepare a legal opinion as to the immunity of the Members. I think this is very important that we first have a ruling before we proceed on this whole matter because I think members would want to retain immunity when speaking in the House, regardless of whether it goes over TV or not.

MR. CHAIRMAN: It seems to me the way this is written that this would . . . out, that the recommendations would be taken into consideration under paragraphs 2, 3 and 4. The Member for Morris.

MR. JORGENSEN: This request was forwarded to the Attorney-General's Department. Up till now I don't believe that there was any opinion offered by his department but I presume that before or if - and there's no point in doing it unless there's a decision made to go ahead

(MR. JORGENSON, cont'd.) with it and unless somebody's interested in televising proceedings - I would only presume that in the event that the new media or the television people intend to televise proceedings in this House, that decision will be made available to us and at that time we'll be able to consider it.

MR. FROESE: I'm just wondering which comes first. I think it should be referred first to the Attorney-General's department to get a ruling because what's the use of deciding to proceed and then getting a ruling which will not be in accordance with our liking and then not proceed. I think we should have a ruling first on this matter.

MR. CHAIRMAN: The Member for Swan River.

MR. BILTON: Mr. Chairman, I wonder if sub-paragraph 3 does not answer the question of the Honourable Member for Rhineland, that of course it must be considered a part of the whole package; without one the other will not go forward.

MR. CHAIRMAN: The House Leader.

MR. GREEN: . . . not my understanding. My understanding is that the Committee says that if this television proceedings are going to be permitted in the House that the Attorney-General advise members as to what their position is with regard to parliamentary immunity. I have been here only for four years but I have had the good fortune of being a member of a Chamber where I don't think any member has relied on parliamentary immunity to make irresponsible statements. That's my impression and I don't think anybody wants that.

MR. CHAIRMAN: (Passed) 23. I repeat: The Committee agreed to approve -- pass? The Member for Rhineland.

MR. FROESE: . . . provided that it will be meted out to all members of the House and not just to certain groups as was done in reference to a previous item that we passed.

MR. CHAIRMAN: (Passed) 24. The Committee recommends a continuing study of the Standing Committee system of the Legislative Assembly. (Passed)

25. The Committee recommends that each caucus be provided with a bound copy of Hansard. The Minister without Portfolio.

HON. RUSSELL DOERN (Minister without Portfolio)(Elmwood): Mr. Chairman, I just want . . . with Hansard and that is that I really think that the index of our Hansard is inadequate and I would like the Minister responsible to see whether or not we couldn't have a better index of members' speeches comparable to what is produced in Ottawa because I find ours almost useless.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: Mr. Chairman, in connection with 24, that a Standing Committee be set up to study the Committee system, I would also suggest in connection with that that we set up a Standing Committee on Education, because we have changed the rules so that this would be embodied in the new rules where we have the Standing Committee named, that we also name one on Education.

MR. GREEN: Mr. Chairman, this recommendation doesn't recommend a Standing Committee. This recommendation says that there be a continuing study of the Standing Committee system of the Legislative Assembly. I think that if a Standing Committee is to be added to the existing list it can be very easily done by resolution. I really don't know why my honourable friend doesn't propose a resolution to that effect because it's the second time he's raised it.

MR. CHAIRMAN: 25 is passed. 26. In view of some of the recommendations of this Report your Committee recommends that it be reconstituted at the forthcoming Session for the purposes referred to in this Report.

MR. DOERN: Mr. Chairman, there are a couple of points that I wanted to mention in regard to 26 which I think allows an opportunity for a more general comment, and that is that there are several items that were discussed in committee and did not come forward that I think bear reconsideration for any future committee.

One is I think the fact that I think there's a need now more than before for a system of lights on members' microphones because previously we seemed to adopt a more loose framework of recognizing a speaker and then a series of questions could flow from the Opposition to the government and back and there tended to be only one or two introductions. The present system, the Speaker is taking a tougher line and he is cutting off members if they are not recognized and as a result is going through a procedure of introducing each speaker, and if the speaker is not introduced, cutting off the microphone, and I think that some members find it difficult to know exactly whether they are on or not. I have seen a number of Legislatures and I've seen a number of federal bodies and they have this type of system and I think that it is something

(MR. DOERN, cont'd.) that either the committee should look into or the Speaker should look into to determine the cost thereof.

Another thought in regard to future work of the Committee on House Rules, again one that was debated but was not incorporated, there was not general agreement, was the question of attempting to break down the 80 hours of debate on Supply into agreed upon categories, because, Mr. Chairman, I think one of the problems that we've had in this House for a number of years is we continually run out of time on a discussion of the Estimates. A proposal was made, and I think a very good one, namely that there should be one of the following, either general agreement prior to the 80 hours of estimates in terms of a certain number of hours to be spent on each department, or when the end of the time, when a 60 or 70 hour period has elapsed, that at that point there should be an agreement to spend at least one or two hours on each of the remaining departments, whatever the agreement would be. Because what is happening now is that we never seem to complete an examination of every department, and consequently there are millions of dollars of taxpayers' money which go through this House unexamined and in a sense, uncriticized, and I think it would be a good system, an improvement on the present system to either have prior agreement on a breakdown of each department or, when the time was almost up, to have agreement to spend a number of hours, one or two hours, on the remaining departments so as not to allow this practice of a whole department going through uncriticized and undiscussed.

MR. CHAIRMAN: On Page 8, Item No. 7. Further recommendation of the Committee.

7. That provision be made in the Rules of the House whereby Committees may make regulations governing representations to be made by the general public at Committee meetings, such regulations to conform with the general guide lines established for the House. It is suggested that such regulations should be read aloud by the Chairman of the Committee at the commencement of each meeting, so that all concerned may be made fully aware of any restrictions which are to be placed upon representation by the public. The following restrictions are suggested:

- (a) All briefs should be in writing and should be submitted to the Committee in advance.
- (b) Repetitive briefs or statements may be refused by the Committee.
- (c) The time permitted for the presentation of briefs and the ensuing question period should be limited.

Is it agreed? The Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Chairman. Basically I do agree with this but under some of the rules of our House I feel that there is a great deal of room for improvement here because it has been my experience, Sir, that in the time allotted between the calling of meetings and the time of the actual meetings, which I believe is 48 hours, that it may very well be that people have not got the time necessary to have their briefs properly written and the presentation of oral briefs is a last resort due to the hurried time, which basically, Sir, is not any of their doing but rather complying to the rules of the House and I feel that we have to give proper consideration to those that wish to make briefs and give them the adequate time.

If you're going to give them 96 hours or something like that, advance notice, it's a different matter.

MR. CHAIRMAN: Item No. 7. The Member for Rhineland.

MR. FROESE: Mr. Chairman, I do not go along with the restrictions that are implied here to be placed on outside delegations coming before committees and wishing to make their views known. We've had some very good delegations who've made verbal presentations, in my opinion, which were excellent; some others which were in writing were probably not nearly as good, therefore to state beforehand that they have to be in writing could mean that we would be excluding some good representations that may come before committees. So I do not go along with the suggestion.

Also it says here that committees can establish their own regulations; they are to be guided by guidelines to be set up by the House, but they are free to make their own regulations and it could so happen that the committee set up its own regulations and thereby exclude a number of the people that would be present to make presentations. I do not subscribe to the recommendation before us.

MR. CHAIRMAN: The Leader of the Opposition.

MR. SPIVAK: Mr. Chairman, I think that you simply have to listen to both the Member

(MR. SPIVAK, cont'd.) for Rhineland and the Member for Birtle-Russell. Reality is that there are many occasions in which the committees are called on short notice and there are many important presentations to be made. In some cases people are experienced enough to know that they can present a written brief and will present it; some people have the resources to present it, others do not. I don't think our objective is to prevent those who may wish to make a contribution to committee's consideration should be restricted because they did not have the resources available to them nor did they understand our procedures nor did they understand the necessity of planning in advance. Now there are many people who have matters that are now before us on second reading, that are aware that they have a particular interest and are prepared to come forward at the appropriate time when it's in committee, but at the same time there are many people who are not prepared for this kind of situation and who only become aware because of the various news items that may be brought forward in the media informing them that there is a particular issue in which they have some interest. So I think that there has to be some kind of flexibility because I think that if we accept the fact that we're going to have a Hansard or a transcription device, it doesn't follow necessarily that we need a written brief because in fact we will have a record. The written brief is for our convenience and is to facilitate the hearing. There will be many occasions on which both a written and oral brief should be presented, particularly in the light of changes that may have occurred as a result of discussions in the House or information that may be supplied. I think we have all experienced, forgetting about last year's particular debate in Public Utilities, but we've all experienced situations where it was very desirable and necessary that the people who felt aggrieved by particular legislation or concerned about a particular item had the opportunity to express their position.

The rules are strange to many people who do not have access to counsel and who are not in a position to understand the legislative process and I don't think we should necessarily restrict that ability nor do I think we should leave it up to the majority in a committee at a given time. The object is to set these rules so that there will be a sense of fair play and I think there has to be greater flexibility in this to be able to provide that.

MR. CHAIRMAN: The Minister of Consumer and Corporate Affairs.

HON. BEN HANUSCHAK (Minister of Consumer, Corporate & Internal Services)

(Burrows): Mr. Chairman, the point had been made by a couple of honourable members that frequently delegations wishing to appear before a committee outside the House are caught on 48 hours' notice and hence may not have time to prepare written briefs, but really Mr. Chairman, that is not the case. It is true that a meeting of a committee may be called on 48 hours but in actual fact, I'm sure in the case of 99 percent of the bills, they go through second reading long before the 48-hour period for calling the committee meeting arrives, so there is ample time to prepare oneself properly to appear before a committee. Surely those interested in legislation being presented to this House will know that, with the exception of those bills that do not go out of the House, that there will be opportunity to make themselves heard and they do have ample time to prepare themselves properly and they need not in any way be adversely affected by the 48-hour notice.

MR. CHAIRMAN: The Member for Souris-Killarney.

MR. EARL McKELLAR (Souris-Killarney): Mr. Chairman, I'd like to say a word on this very important subject. Because it is important, it's important for the people of Manitoba. This is the one time the people of Manitoba have the right to come in here and express themselves and I think it would be a shame if we laid down hard and fast rules. Over the years, I don't think there has been, in my opinion there's been very little abuse, very little abuse, and who are we to tell the people of Manitoba whether their briefs are repetitious. Our speeches are repetitious many many times and I don't, I for one can't see these particular amendments to our rule.

I'll give you an instance, I'll give you an instance. Now, if you try to mail a letter from our part of the country and try to get it into Winnipeg in 40 hours, by the time you left out there to get to Winnipeg it would be past 48 hours, so that puts the people in rural parts of Manitoba in a very difficult position. In fact many people, they just can't get letters in here in 48 hours so I think -- another thing. Why should a person have to write their brief to come in here before the committee. Many people are far better speaking with no notes at all, they keep on the subject matter and they put a better message across than if they put it in writing. I don't think it's necessary to put a message in writing to convey your position to the committee and I think we should carry on in the manner in which we have in the past.

(MR. McKELLAR, cont'd.)

How often have we spent listening - it's quite true in automobile insurance, maybe it became repetitious to the members opposite but I'm glad it was repetitious. The only thing it wasn't repetitious enough; it never got to them. I wish that we had maybe carried on a little longer. Maybe it would have got soaked in a little. I think if we're going to have free speech in this country that we got to give the people the right to come before the committee and express themselves verbally -- (Interjection) -- I can answer that, yes. We in Manitoba as in the past, and I guess as long as I can understand and I've questioned people on this, and I questioned the former Premier of the Province of Manitoba, the Honourable Doug Campbell, and this has been the custom. And for gosh sakes, just because they don't do it in Ottawa or British Columbia, we don't have to be the same as them; we can be different; we can be different and there's nothing wrong with being different, with free speech. If you want to limit free speech, all right, let's bar them altogether, let's bar them altogether.

But I'll tell you the way they do in North Dakota, just south of us. I'll tell you and I'll tell you what's going on right now. All you need is 7,000 signers and you can wipe out all the tax bills in the country and that's what's going on down there. Now all the highway program - \$110 million highway program - that's the way they get at it down there. Besides having the right to come before each committee -- and I've attended the sessions down in North Dakota. They have two privileges down there. There's nothing wrong with free speech. -- (Interjection) -- 7,000 signers can wipe out that whole highway program and this is what's going on there now. You want me to wipe out the -- I'd get 7,000 signers too because I don't imagine there's going to be any road work in my area. I could get 7,000 signers. Yeah.

But this is the point, do we want free speech or don't we? I want free speech and I'm going to fight it to the bitter end, this one, if I have to argue this point because what happens? What happens? What happens to the people in the Village of Wawanessa if they want to come in? They can't get a letter maybe in in the 48 hours mentioned. And there might be something coming up in automobile insurance again that's important to them this session. Who's to know? Who's to know? How many people, just how many people can write a good defence to go before a committee that sounds logical? But I can tell you a lot more people could come in here and off the cuff because they've got their facts in their heads, can put the message across, and I'll tell you we'll listen to them a lot more closely than if they read it. Just like going to church on Sunday. Did you ever go to church on Sunday and hear a preacher read his sermon? It's always just as dull as can be, but if that preacher's got that sermon in his head and he looks you in the eye, you're going to listen to him. And for that very reason, for that very reason, I'll support free speech and I'll support the people that come in and present their briefs openly and verbally and I'll tell you every one of us here in this Chamber will be better off too.

MR. CHAIRMAN: The Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Well, Mr. Chairman, I'll be very brief. I'm not going to be repetitious here because I concur wholeheartedly with the comments made by my colleague from Souris-Killarney. I think this is very important and we have a different situation in rural Manitoba as opposed to the City of Winnipeg where we're so far removed from the people we represent and the message does not get out to them as quickly, and therefore for them to respond.

The other area I want to comment on is on Section (c) and this particular aspect of it. You're limiting the time that they're allowed to address themselves to the committee. I'm wondering what time limit has the committee in mind when it talks about limiting the time. Is it five minutes, is it ten minutes, is it twenty minutes or half an hour, or is it just maybe two minutes as the Member for Rhineland says. This is the other area I'm concerned about when you talk about restricting. In this government, they talk about open government, Mr. Chairman. I certainly don't see it on this part of the rules. That's the comments I want to make.

MR. GREEN: Let's first of all understand what is being proposed here and who is proposing it. It's not a government measure, it's a committee of the House, unanimously agreed to, so let us not start throwing stones. Unanimously agreed to, and I don't want to make more of a point in it than that, but I object to the Member for Souris-Killarney and the Member for Rock Lake as using this as a demonstration that this government is trying to stifle free speech. A unanimous decision of a committee composed of all parties of the House and talked and discussed -- (Interjection) -- and yes, the Member for Rhineland is not a party and wasn't part of the unanimous decision, that's right, but every other party was involved there and agreed to it unanimously, so when we start examining the proposal let's examine it from that point of view,

(MR. GREEN, cont'd.) . . . that it was made up in good faith, by people of good faith of all parties trying to do the right thing, not the government trying to destroy free speech. I saw the Member for Rock Lake and I saw the Member for Souris-Killarney get up in this House and vote against free speech, vote against the right of a trade unionist to walk down the street - (Interjection) - in 1967, both of you got up and voted against free speech. - (Interjection) - Yes, both of you so don't talk to me about you, the great - (Interjection) - I am telling you that you voted against, you voted against . . .

MR. CHAIRMAN: Order please. Has the Member for Rock Lake got a point of order?

MR. EINARSON: A point of order, Mr. Chairman, on the comments that the honourable member has just made, the real habit that he has of construing the English language is what the word "freedom" may mean and what it doesn't to him or it means to me.

MR. CHAIRMAN: Order please. That's a matter of debate, not a point of order. The House Leader.

MR. GREEN: I am merely indicating, Mr. Chairman, that they don't stand there as the champions of free speech because when the issue was put squarely before them, both of them voted against it, both of them.

Now, we were discussing, and I ask you to consider -- (Interjection) -- what you're talking about, what has that got to -- exactly what has free speech got to do with this resolution? We're talking about how to conduct the committees of the House and all of the members conducted it and came through with the unanimous proposal, and it was suggested that the committee be able to have rules governing the appearances before them and then it said, "It is recommended" that some of the things that they should be -- "The following restrictions are suggested" - and this is suggested to the committee. In the last analysis the committee would adopt its own procedure but it could limit the number of speakers, limit the time of speakers, limit the fact that if there were a whole group of briefs for one which expressed one point of view, that they ask people to put these into a composite brief. All of these things are done in the House of Commons, not by a New Democratic Party Government but by Liberal and Conservative governments and none of them are considered to be evidence of the destruction of free speech.

Now I ask the honourable members to consider really what they are saying. Let us assume that they wanted to bring in a bill, a bill such as Mr. Thatcher brought in - and I know the Member for Rock Lake believes this is the kind of good legislation that you should have. -- (Interjection) -- Well look, I am entitled to suggest that the Member for Rock Lake in speeches in this House has indicated that trade unions are a real damaging type of influence, that they have unnecessary strikes, and seems to me would favour the kind of legislation they have in Saskatchewan where the government has the right to declare that if an ice cream parlour goes on strike it's an essential industry, that the strike should be prohibited and that it should be referred to compulsory arbitration.

Now let us assume -- (Interjection) -- let us assume - yes, I'm back to the rules - let us assume that -- (Interjection) -- Mr. Chairman, I didn't know that we would have to have such a hot discussion on a rule that was unanimously agreed to by a Committee of the House. But I want to ask the members to properly consider their position. Let us say that they were the government and they wanted to pass legislation restricting the kind of strikes the trade unions could go into, and let us assume that 2,000 trade unionists individually said that they were going to come before that committee and speak as long as they wanted to and to continue to speak until they drove the House into the ground so it couldn't pass the legislation. Would the Honourable Member for Souris-Lansdowne, would the Honourable Member for Rock Lake defend the right of these people, 2,000 of them or 5,000 of them, to come in -- (Interjection) -- you would defend it? I am not asking you -- (Interjection) -- Mr. Chairman, obviously the Member for Souris-Lansdowne won't face the question. The question is would he say that an unlimited number of them could come and speak for an unlimited length of time, have the right to appear before Law Amendments Committee, have a right to say the same thing person after person, 5,000 of them or 10,000 of them, and effectively stop the Legislature from doing its work? Is that what the Member for Rock Lake says? That's what he says. That's exactly what you're saying.

Now you're thinking about it, you're starting to think about it. -- (Interjection) -- Yes, well all that this recommendation says, which has unanimously been agreed to by all of the parties -- (Interjection) -- You are now saying it wasn't unanimously agreed to? -- (Interjection) -- Well, I'm only talking about the Committee. All that the recommendation says is that the committee would have a right to govern its proceedings, that it would have a right

(MR. GREEN cont'd.) to say how long people could speak, how briefs should be formalized into one brief if there were too many, and how much time people should have. I don't think that that inhibits the right of free speech. I think -- (Interjection) -- Well, Mr. Chairman, that's all this resolution says. But the Member for Souris-Lansdowne, the Member for Rock Lake, and the Member, I think even the Member for River Heights, have insisted on construing this recommendation. I think that the -- (Interjection) -- Are you saying to me now that the Member for Rock Lake didn't say that this demonstrates that the government is trying to destroy free speech? Of course he wasn't talking -- (Interjection) -- Yes, it's only -- You know, the trouble with you people is that you can only see things when it's put into the perspective that makes you see them and that's the difficulty.

MR. CHAIRMAN: The Member for Birtle-Russell,

MR. GRAHAM: Thank you very much, Mr. Chairman. I enjoyed very much the remarks of the Minister but I would like to refresh the Minister's memory, and this is dealing mainly with the difference between verbal presentation and written presentation of briefs. I would like to take the Minister back to the committee hearings that were held in 1969 on South Indian Lake and the eloquent presentation that was made to that committee by the eminent lawyer, Mr. Buchwald, and the results that were forthcoming from the presentation that was made by that eminent lawyer, and if the Minister is willing to take that and put it in with the same wording that he used in the same context, he will remember that because the public was able to make verbal presentation at that time it did effectively stop legislation, it did prevent the government from bringing in the flooding of South Indian Lake and it was most effective, it was most effective in changing the course of action of that government and the present government at that time.

Mr. Chairman, a second example I would like to cite to the Minister is the case that we heard last year in Law Amendments when we heard another eloquent speaker giving a verbal presentation when Mr. Glen Howe spoke to the committee, and I would suggest to you, Mr. Speaker, that had that been a written brief that there would have been different legislation than what we did get as a result of the ability of that man in being able to present an oral brief at that particular time. The suggestion that I made, and I believe the Member for River Heights also made, was that where there is transcribing equipment in the room that is used for the hearing of such briefs, I don't see the validity in requiring that all briefs must be written. When we have transcribing equipment there and the . . .

MR. CHAIRMAN: Order please. It nears the hour of adjournment. Committee rise. Call in the Speaker.

IN SESSION

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Speaker, I beg to move, seconded by the Member for Flin Flon, 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 hour being 10:00 o'clock, the House is now adjourned and will stand adjourned until 2:30 tomorrow afternoon.