

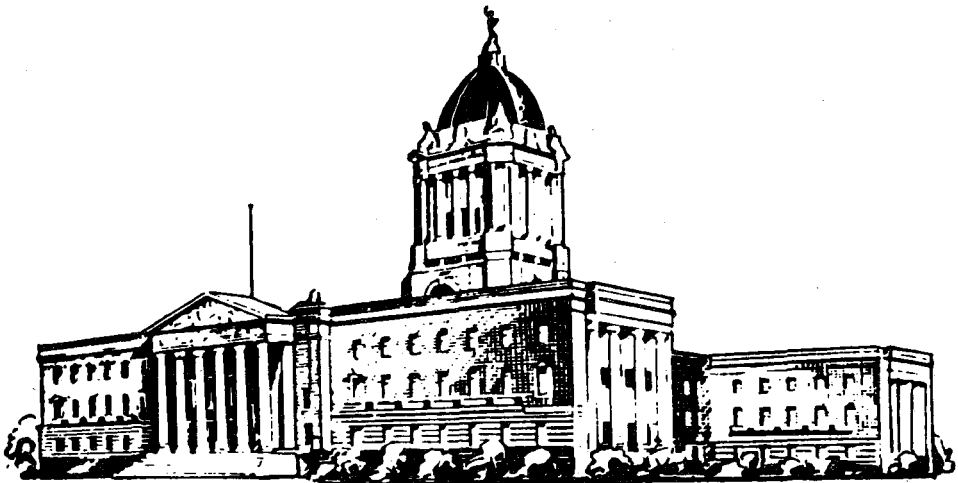


Legislative Assembly of Manitoba

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Chairman

**Mr. J. Wally McKenzie
Constituency of Roblin**



Tuesday, November 13, 1979 10:00 A.M.

**Hearing Of The Standing Committee
On
Privileges and Elections
Tuesday, November 13, 1979**

Time: 10:00 a.m.

CHAIRMAN, Mr. J. Wally McKenzie.

MR. CHAIRMAN: Gentlemen, we have a quorum, and we, the Committee of the House, Elections and Privileges, meet to finalize the hearings that we've had on Bills 22 and 23. I need your guidance, and the Clerk needs the guidance of the Committee, as to how we intend to proceed today. It is my understanding, in discussions with the Clerk this morning, that he will be reporting to the House when it opens that the Committee meetings were held on certain days; a certain person, I, was appointed as your Chairman; that it be reported of the changes of personnel in the Committee; the numbers of briefs that were heard, etc., etc. And from there on I am at the mercy of the Committee. Mr Boyce.

MR. J. R. (Bud) BOYCE: Well, Mr. Chairman, I need the advice of the Chair, also, but there's a couple of other items that perhaps should be discussed; one is pertaining to a Matter of Privilege. And the rules are that the member will raise matters of privilege at the first opportunity, but if it is your wish that we dispense with the Report to the House, perhaps we could deal with the matter of privilege after the report to the House.

MR. CHAIRMAN: Okay.

MR. BOYCE: We had anticipated that the government members would have some suggestions as to a reflection of what had transpired and some recommendation to the Legislature as to perhaps how we could advise the government to take into consideration these briefs.

MR. CHAIRMAN: Any further comments? I believe, as the Committee, we don't have the authority to spend funds. We can advise, like the resolution, or . . .

MR. BOYCE: In the abstract.

MR. CHAIRMAN: . . . consider the advisability, along those lines, of the resolution. Proceed. Mr. Hanuschak.

MR. BEN HANUSCHAK: Well, Mr. Chairman, I believe that, at least we on this side, are waiting for some recommendation from the Government side of this Committee as to what it intends to recommend to the House with respect to what had transpired during the six days of hearings as of a couple of weeks ago, with reference to the two bills — The Public Schools Act and The Education Administration Act.

MR. CHAIRMAN: Do you care to comment on that Mr. Minister?

HON. KEITH A. COSENS: Mr. Chairman, I think, if my interpretation is correct, that the Committee was charged with hearing presentations from the public on these two bills. I think, in the light of that particular mandate, that there is some requirement that we report back in an objective manner what we did hear during those hearings, and so I would suggest that that might be part of the strategy that we would use in approaching this particular report, that we look at an objective analysis of what, in fact, we did hear as members of this committee. .

MR. HANUSCHAK: Well, Mr. Chairman, through you to the Minister, is it not your intention to make some recommendation to the House as to further action or progress with these Bills, as to the future of these Bills that is?

MR. CHAIRMAN: Mr. Cosens.

MR. COSENS: I think recommendations from this Committee are probably in order.

MR. HANUSCHAK: Well, Mr. Chairman, I think that at some point during the debate that will follow, it will be our intention to make a recommendation. If the Government has no recommendation, if the Minister has invited recommendations saying that recommendations be in order, I think, Mr. Chairman, we would be quite prepared to accommodate the Minister in that respect and make a recommendation.

MR. CHAIRMAN: I just wonder how we are going to because when the report is tabled in the House, then any member of the Legislature has the right to adjourn that debate when it is tabled, if I understand it correctly, and then can speak on any matter related to it or offer alternatives, and now we want to put that in at this level of the Committee hearings that we have the subject matter before us, as I understand it, Bills 22 and 23, and we report them back to the House with certain recommendations from this Committee. Is that the understanding that I have?

MR. HANUSCHAK: Mr. Chairman, you may wish to recheck our rules of order because I sort of had the impression that what you have suggested could be done in the House, we may not be able to do. There may have been a time when we were able to do it, but I think there was some change in the rules, so perhaps you may want to check with the Clerk of the House as to how the rules presently read on that point.

MR. CHAIRMAN: Could you advise us on that, Mr. Clerk?

MR. CLERK, Mr. Jack Reeves: Sorry, I have been unable to put my finger entirely on the rule at the moment, but reports of Committees to the Legislature, the Motion for the receipt of the report is not a debatable Motion, it can be divided, you can ask for a division on it, but it is not a debatable Motion. You are quite correct, Mr. Hanuschak.

If you will just give me a moment, I think I can probably find it.

MR. CHAIRMAN: Mr. McGregor.

MR. MORRIS MCGREGOR: Mr. Chairman, the question that I have, we listened to a lot of briefs a week or two ago, but the facts . . . I thought we would have got our Hansard. It was the off-cuff questions and answers that I was sort of being guided by; when we listened to a brief we questioned them. Well, the brief doesn't tell us of that questioning and I see we don't have the Friday or the Monday's questions yet in Hansard, and really I would certainly have been willing to concentrate on this followed by the Friday and Saturday . . . But as far as my area, I was more concerned with some of those briefs on the Friday and on the Monday; and how do we do that when we don't have it, only by God and by memory do we remember that. And after eight days, or seven days, you don't really want to put a question that you think was put this way when you could have indeed seen it in Hansard. And, to me, maybe we're rushing this particular meeting at this time until we get that.

MR. CHAIRMAN: The other Hansards are not for the Monday or . . .

MR. MCGREGOR: Friday and Monday.

MR. CLERK: When I checked with the Queen's Printer this morning they said they might have some more Hansards for us today, that's as far as I can get with them. The holdup is certainly not from our office downstairs. I believe all the typing has been done and the material has been sent to the Queen's Printer.

MR. MCGREGOR: Mr. Chairman, I'm certainly not blaming anyone, it's just the fact that we don't have what I hoped we would read in exactly what was said, and exactly how it was answered.

MR. CHAIRMAN: Mr. Brown.

MR. ARNOLD BROWN: Mr. Chairman, I would think that our duty as this Committee now is to report back to the Legislature as to the briefs and whatever we have heard during the Committee

meetings. There certainly were some items which were discussed; such as Clause 41(x), the matter of "wherever practical and possible", that Clause certainly had considerable discussion and many briefs heard in that particular area. A concern was expressed about some of the existing programs regarding material with possibly some questionable moral content. I would think that possibly those are the things which should be reported on to the Legislature by this Committee, and I think it is these very items which we should be discussing today to make sure that they are going to be in that report. I would like to see the Minister's staff possibly then drawing up a report of that nature and us maybe meeting subsequently at a later date and approving the report, or making amendments to it, whatever. I would think that this is the way that we should proceed.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: Well, Mr. McGregor and Mr. Brown's points are well taken. I think this is a very important aspect affecting everyone in our community. I was really unfair to tuem, I know that I really haven't been able to finish my matrix, in relating how many people have raised a particular point; and I was waiting for Hansard to integrate the remarks, as suggested by Mr. McGregor, the off-the-cuff reponses to specific questions. I think that they should be integrated in the report. So that if it is the desire of the Committee to hold another meeting a couple of weeks from now, my colleagues suggest that they have no objection.

MR. CHAIRMAN: Mr. Cosens have you any suggestions? Well, I'm at the wishes of the Committee. Mr. McGill.

MR. HON. EDWARD MCGILL: Mr. Chairman, I move then that the Minister be requested to prepare a draft report to be submitted to the Legislature, and that the Committee be reconvened and consider the draft report and either approve it, amend it, as Mr. Brown has said, and proceed from there.

MR. CHAIRMAN: Any further discussion? Mr. Boyce.

MR. BOYCE: Yes, just in that regard, Mr. Chairman, we had asked the Minister, I specifically had asked and he had agreed to provide us with some background information, one specifically being the Advisory Committee on Educational Finance, and I have yet to receive that part. I think Hansard will reflect that I had asked for it and the Minister had agreed to provide it to the Committee.

There were a couple of other ones, the one I got was the declining enrolment; I got to have that report. I will have to check Hansard to see just exactly what undertakings were given, you know, by the Minister and have that information so we can integrate it.

MR. CHAIRMAN: Any further discussion? You have heard the proposal by Mr. McGill. All agreed?

Mr. Walding.

MR. D. JAMES WALDING: Mr. Chairman, I don't quarrel with the suggestion that Mr. McGill has made and I rather like the idea that Mr. Brown put forward that these matters are of such importance that they should be dealt with. I think that the Minister should make it clear to us at this stage that he is prepared to follow this suggestion fro his colleague, and deal in the report that he is going to bring to us with those matters that were brought up in some 60-odd briefs. I believe he owes it not only to the Committee but to all of the 60 people who made representations, to tell them just which direction he, as the Minister, is going in and what the Government's policy is on education.

MR. CHAIRMAN: Mr. McBryde, did you have something or are you . . .

MR. RONALD MCBRYDE: Well, Mr. Chairman, my point was similar to Mr. Walding's with one addition, and that is that if and when the Minister agrees that such a report could be prepared, for the Committee then to consider using it as the basis of its report, that in fact the recommendations that come from the Minister be made available to us before our next meeting so that we have a chance to prepare ourselves for the meeting itself.

MR. CHAIRMAN: Mr. Cosens.

MR. COSENS: Mr. Chairman, I have no problem at all with Mr. McGill's resolution. I think it is

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a very sensible way of approaching this particular report. I am not completely satisfied that we have all the guidelines set out that my people might require in writing this particular draft report that would be submitted to the Committee.

If I gather from the discussion that has taken place to this point that the Committee would require an objective overview of the different presentations that were received here, if I also gather that the Committee feels that there should be recommendations that follow that particular overview of what we heard in the hearings, then I think that is possible. There is a question of degree here, I suppose, as to what quantity of detail, how specific the report should be, that I would like resolved this morning before I would ask my people to go ahead and proceed with drafting such a report for our consideration.

MR. CHAIRMAN: Mr. Hanuschak.

MR. HANUSCHAK: I would think, Mr. Chairman, that some of the questions that the Minister has in his mind he could perhaps resolve in caucusing with the Government side of the Committee and bring in his draft report, and then we on this side will determine whether we will support the Government's recommendations or not.

MR. COSENS: Mr. Chairman, I still would like some guidance from the Committee as to the amount of detail that they would like to see contained in the report; how specific the report should be in regard to the recommendations that came from the different presentations that we heard during the hearings. There were major points that, of course, were common to a number of briefs; there were other points that were common to only one brief; there were points that dealt with students specifically; there were points that, perhaps, dealt with other groups within the educational community; to what extent would the Committee see this report going in dealing with each one of these recommendations.

MR. CHAIRMAN: May I, before we proceed, put into the record that these documents that have been passed along to the Committee today, the communication from Mr. Ziprick, the Provincial Auditor, to Mr. Reeves; the Canadian Alliance of Home Schoolers' brief from Jarvis, Ontario; the St. A.; draws Presbyterian Church, Virten, brief, or is it further information under the signature of R. M. B. Toews of Virten dated November 4, 1979; a document here under the signature of Marie Theresa Lavoie of 23 Lachine Road, St. Boniface; another submission under the hand of Evelyn M. Reese dated November 6, 1979; and Mrs. Ermelle Giguere brief; and another document from the Manitoba Association for Children with Learning Disabilities. You all have those documents in your possession now and so that's fine. Proceed then, gentlemen. Mr. Cosens.

MR. COSENS: Well, I just wanted to mention one point, Mr. Chairman, that I think probably falls into the same category as the topic you've just been discussing. At our last meeting mention was made of a brief received from the parents of Provencher School, and at that time the Clerk mentioned that he had not received that brief. And, I believe, at that particular meeting I mentioned that I had received a copy and would make copies available to members of the Committee, if they so desired, and at that time the members said they would like to have that copy and I do have those available today for all members of the Committee, and that is the brief of the parents of Provencher School.

MR. CHAIRMAN: Okay, they can be circulated to the Committee. Mr. Boyce.

MR. BOYCE: Yes, we have a response from Mr. Ziprick which you have circulated, Mr. Chairman, and he said "should further comments be required please do not hesitate to contact me." It seems to be the consensus that we will have another meeting. I wonder if we could ask the Provincial Auditor to attend. There are some questions I have arising out of his response to the letter, you may recall, which we received from the chartered accountants. If that could be arranged I would appreciate it, Mr. Chairman.

MR. CHAIRMAN: Is it agreed then that we ask the Provincial Auditor to attend our next meeting, if at all possible?

Mr. McGregor.

MR. MCGREGOR: Just a further . . . if we are going to have another meeting I try to look at all briefs equal, but when I see three in here this morning that I have never seen before from Virten, it surely makes me know that I would want to look real close at all three of them. While one had

reported to us in another form, Mr. Toews, he is back with an additional information, I presume, and the Presbyterian Church, and this other . . . he is a Reverend, it doesn't say in what, so I surely think we do need that time to look at, as well as all these others, when three come from your own area you know there is concern here.

MR. CHAIRMAN: Well, have you clarified for the Minister the type of information that you wish him to bring to the Committee?

Mr. McBryde.

MR. McBRYDE: I am not sure that the Minister has got much feedback from us. What I would myself prefer to see in his recommendations is some idea of intent, that is, what direction does the Government intend to move, and I think that would be fair to this Committee and it would be fair to the people that presented a brief to have some idea if their brief was heard or whether the positions taken in their brief was thought by the Minister to be reasonable. So I don't think we need sort of a clause-by-clause new Bill, but sort of an idea of what the Government intends to . . . the direction they intend to move as a result of these briefs that we have had presented to us.

MR. CHAIRMAN: Mr. Cosens.

MR. COSENS: Mr. Chairman, I am not quite clear from the remarks of the Member for The Pas whether he thinks this should be a report with recommendations from the Committee, or a report with recommendations from the Minister. My understanding is it should be recommendations from this Committee rather than the Minister. IFF I am not correct in that assumption perhaps someone would like to clarify it.

MR. CHAIRMAN: Mr. McBryde.

MR. McBRYDE: Yes, Mr. Chairperson, for the Minister, the reality of the situation is that what this Committee recommends will in some ways reflect the Minister's intention, because the Minister has a majority, his group within this Committee. So I am assuming that, yes, the Committee will make the recommendation to the Legislature and those recommendations would be to the Minister, but in effect this Committee will more than likely not make recommendations that are not acceptable to the Minister. Since his colleague has asked the Minister to prepare some of the recommendations, I am assuming that he will prepare recommendations that are acceptable to him and to his colleague.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Mr. Chairman, in the Motion it did not include the suggestion that the Minister prepare recommendations which he would develop out of the information presented to the Committee. It was my feeling that we are asking the Minister and his staff to do what is a pretty difficult task, and that is to prepare a report which would properly and objectively reflect what this Committee did on behalf of the whole Legislature, that is, sat and listened to all of the interested people who came here with views which pertained either directly or indirectly to the subject matter of the two Bills, and I can appreciate that this is an extremely difficult chore for the Minister and his staff to perform, to come back to this Committee with a draft report to the Legislature. In fact, we are the representatives of the Legislature who have been charged with the responsibility of meeting directly with the people who have views and suggestions to make. I think the report in essence should be one that reflects this clearly and as completely, without a verbatim return, because if we simply report verbatim on what has been communicated to us, we have not in effect really performed any function. Again, if this Motion is accepted and passed by this Committee, it is going to place on the Minister and his department quite a difficult task of properly reflecting what has been brought to us.

To have the Minister then superimpose upon that his recommendations or his policy decisions with respect to the bill, I think would be not really the proper responsibility of . . . at least it was not what I had in mind when I suggested that he be given this task and that he bring it back to us and we'll consider whether we feel that it accurately does summarize what we have heard and the major points that have been brought to our attention. If we like it, we will approve it; if we don't like, we will amend it; or in other words in a final way try to approve a report which we feel properly summarizes our hearings.

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MR. CHAIRMAN: Well, then it would be likely advisable after the Minister and his staff have prepared that summation that the members of the Committee have it in their possession for some time so that they can peruse it and not just have it, you know, on our desks when we arrive here and deal with it, because it would be very difficult. We would have to adjourn again.

Anybody else care to comment on the suggestion by Mr. McGill?
Mr. McBryde.

MR. McBRYDE: Mr. Chairperson, if we sort rigidly adhere to Mr. McGill's suggestion and to his Motion, then we will be sort of like the school boards in the question of aid to private schools; we will be just a conduit through which things flow and I think that the purpose of a Legislative Committee is more than to be a conduit, the same as it is the purpose is more for a school board than to just be a conduit. I would like this Committee to, in fact, make some of our recommendations, that is, to do more than just report on what the briefs were, but sitting here listening to the briefs and reading them over again, and going through the Hansards, we will have some ideas of the kinds of things we would like to see changed.

Perhaps at that next meeting when we do have that objective report or a summary of what was presented to us, then the members . . . and I would look to the Minister for some leadership in this regard, to sort of giving some idea of our preference. I mean we are not going to be able to accept everything that was in all briefs, because because some of them are contradictory, so what is our preference; what are we recommending to our colleagues in the Legislature? I think we should give them some indication of our thinking if we are going to do our job properly.

MR. CHAIRMAN: Well, it is a very difficult task. We are all different and we all think different. The Minister and his staff have a most difficult job to put it in perspective as we see it from the documents and the Hansards that are before us; I think if the Committee is prepared to allow the Minister and his staff to take on that task and likely I would suggest we leave the calling of the next meeting to the Minister, at least have some idea when he is ready to get these documents into the hands of the members of the Committee, and then you have had what? — two weeks to look at them or whatever time you feel is reasonable, and then we will call a Committee again.

Any further discussions?
Mr. Walding.

MR. WALDING: Mr. Chairman, would you read the Motion again please?

MR. CHAIRMAN: Well, I haven't got it in writing. Has any one taken it down? Maybe Mr. McGill can rephrase it and I will write it down.

MR. WALDING: Perhaps he could repeat it, rather than rephrase it?

MR. CHAIRMAN: Well, repeat it.

MR. MCGILL: Mr. Chairman, I will try. I think I moved that the Minister be requested to prepare in draft form a report of the hearings of the Committee on Privileges and Elections, which would properly reflect the extent and the variety of submissions that were made to the Committee, and to present at a subsequent meeting of the Committee this report for its approval, amendment or otherwise.

I am not sure, Mr. Chairman, whether that is exactly what I said last time, but I think that covers the general intent.

MR. CHAIRMAN: Okay, I will read it as I took it down.

It is moved by Mr. McGill that the Minister, I guess of Education, be requested to prepare in draft form the report of hearings of Bills 22 and 23, which the Committee of Privileges and Elections heard, and properly reflect the extent and the variety of submissions made to the Committee, and same be presented to the Committee for a subsequent meeting for their approval or disapproval.

Mr. Walding.

MR. WALDING: Well, Mr. Chairman, that is not quite how I remember the Motion being put, because I recall that I spoke in favour of it at that time. What I spoke in favour of, as I recall, was that Mr. McGill had made his Motion having to do with recommendations that would be proposed by the Minister and sent back to the House. Those recommendations having to do with the way in

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which the Government intended to deal with the briefs and its responses to those briefs.

Now if that was not the intent, then it would seem that the Motion now before us is a little different from how it was first drafted, and that Mr. McGill is now not suggesting that the Minister provide a response to the briefs and an indication to the people who presented those briefs as to what he intends to do about them.

MR. CHAIRMAN: Mr. Brown.

MR. BROWN: Well, Mr. Chairman, I am wondering if Mr. McGill would be willing to include in his Motion that he made, that this draft report be circulated to the Committee members at least seven days before the next meeting.

MR. CHAIRMAN: Is that agreeable, Mr. McGill? Can I get your sentiments again, Mr. Walding, and get it included in the Motion, with Mr. McGill's permission?

MR. WALDING: Oh, no, Mr. Chairman. Mr. McGill is quite capable of making his own motion, I was just giving you my impression of how I recalled his first remarks on the matter.

MR. MCGILL: Mr. Chairman, I think it would be not a proper amendment of the motion to include any direction to the Minister that he should include his personal recommendations. In the submission, or the report of the Committee, which we would hope he would bring back to this Committee for approval or otherwise, if we had asked some other member of the Committee to prepare such a draft report we would certainly not expect him to include any of his personal recommendations in the report; so I think the fact that we are asking the Minister of Education and his staff to undertake this task it should not be construed that it is in any way a personal report of the Minister containing his recommendations, as a result of these submissions. So, I would think that that would not be an appropriate form for the report to take.

MR. WALDING: Mr. Chairman, Mr. McGill knows that every other member of the Committee is not the Minister charged with the responsibility for education in this province and it is only the Minister of Education who has that responsibility. You mention a personal opinion. We all have our personal opinions, but it's the Minister of Education who has the responsibility of developing and putting forward the government's policies on education, really that is the matter that we were getting at and really the matter that we are here to discuss, and that is what the government, as represented by the Minister of Education, intends to do about the 60 people that have come and spent a great deal of time and money in giving us their thoughts on education. What will now happen? What is the government going to do? What will the Minister recommend to the Legislature that be done about education?

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Well, Mr. Chairman, I think that the report of this Committee is not the proper vehicle for the announcement, or the statement of government policy with respect to education.

MR. CHAIRMAN: Any further discussions? Mr. Kovnats.

MR. ABE KOVNATS: Mr. Chairman, I'm just a little confused, this is really the first time that I've had the opportunity of sitting in a Committee of this nature and I am a little confused. I thought that what the intent of this committee was was to receive the briefs from the interested citizens who had something to contribute to Bill 22, 23, and that the Minister would use it as a guideline when he was preparing his bills to be re-submitted to the Legislature at the next sitting. And I was hoping that the Minister would be able to incorporate the briefs that he this committee had received in his bills that will be presented to the Legislature, and at that time, the members, particularly the members who sat in this committee, and the others who will have copies of all of the presentations, will be able to criticize and offer suggestions, constructive criticism, on the bills that will be presented in the Legislature. And I was prepared to accept that the Minister would use the presentations in presenting his bills to the Legislature, and therefore, I don't think I can support the Motion, Mr. Chairman.

MR. CHAIAN: Any further discussions? Mr. Hanuschak.

MR. HANUSCHAK: Well, Mr. Chairman, it appears that there might be some need or time offered

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to the government members of this Committee to caucus on this issue. As I read the Motion referring the subject matter of the two bills to this Committee, the Motion reads: "And the subject matter, thereof, referred to the Standing Committee on Privileges and Elections." I think it's implied therein that the Committee of Privileges and Elections is being asked of the Legislature to deal with the subject matter of the bills in some effective manner, and going beyond merely inviting representations from the public and reporting back that an opportunity was offered to the public to make its views heard, but that there do have to be some very specific recommendations.

Now, the recommendations that this Committee consider, I think, Mr. Chairman, that they must come from the government and the Committee will deal with the recommendations and will decide whether it will endorse them totally, or in part, or whether it may wish to amend some of them. Now, each member of the Committee cannot draft recommendations for our consideration, but I think that it is the responsibility of the Minister to come back to this Committee with some recommendations. I hope that they will not be as personal ones but rather that they would reflect the thinking, the aims, and the objectives of the government. And I might think that the Minister is in the best position to draft such recommendations and bring them back to this committee for its consideration.

MR. CHAIRMAN: Well, just for the benefit of the Committee, we're getting ourselves into a very difficult position here. As I see it the bills, when they are presented in the House, will certainly be the government position, but what I am trying to resolve here, with your help, is what this Committee submit to the Legislature. The bills in due time, when they arrive, will reflect the Minister's, or the Government's position, but I am looking for your guidance from this Committee. We submit certain information back to the House and tell them that we met, etc. Mr. Boyce please.

MR. BOYCE: Mr. Kovnats' point is well taken and in the final analysis that may be the collective decision of the Committee in its wisdom, or lack of it. But, nevertheless, at the moment I, as a member of the Committee, am in a somewhat awkward position in that I haven't got through all of the papers to make a responsible suggestion to the Committee as what I, or we collectively think our report should contain. So I don't see that the consideration of the Motion at the moment is precluding in the final analysis that position being taken. You know we are all pragmatists around the table and if the government caucus in their discussions decide that's the position then it will be rather difficult for us to change their mind, but nevertheless, I think it would be irresponsible. The Member for Virden points out that he just got two copies from his own constituency.

Really, as I understand the Motion, all we're doing is suggesting that we lay it over for a while and that the Minister consider it in light of what Mr. McGill said. And, of course, we all realize that, he being very discreet in all instances, would not put himself in a box by announcing what he intends to have as far as chapter and verse of the next bill. We will have ample opportunity to discuss any future legislation on second reading. So at the moment this resolution doesn't suggest that there will be or will not be some kind of formal recommendation to the Legislature as a recommendation to the Government type of thing. It is a rather roundabout way of doing things, but nevertheless, that is the situation, it doesn't decide one way or the other at the present time.

MR. CHAIRMAN: Mr. McGregor.

MR. MCGREGOR: Well, just taking from Mr. McGill's first statement, and apparently it was okay, the Minister accepted it and we as a Committee member all accepted it, and then we sort of got wavering and now we got rather complicated, what did Mr. McGill say in the first one.

The question is: Is there any way of turning back the tape and getting Mr. McGill's first statement, and maybe that was the right statement. Maybe that was a correct one, because at that moment we all did agree; now we are fluttering around and amending it, we don't really know where our corrections go.

MR. CHAIRMAN: I don't think you can roll that. . .
Mr. Kovnats.

MR. KOVNATS: Mr. Chairman, I guess my remarks were made to hurry up the process. I have noted with some interest in the last two years that some times we keep going over and over and over and over certain items, and I thought that rather than — and I guess I can throw in another over — I thought that we could expedite things more quickly if we did allow the Minister to receive these briefs and put it into his Bills and we could use the briefs in the discussion when the Bills come up for Second Reading.

I felt that we would be doing the job that we were asked to do by reading the briefs and that would give us more time to read the briefs and to present what was contained in the briefs to the Minister at the Second Reading. I really don't have that much more to say about it, except that I felt that it would hurry up the process, which always seems to be a little slow around this building.

MR. CHAIRMAN: Mr. McGregor, the members of the Committee, the Clerk wants to know if you want Ray to track back that tape and see if he can find it, Mr. McGill's statements.

MR. MCGREGOR: Mr. Chairman, that would be entirely up to the Committee, but the point being that we all seemed to agree on what he was suggesting. I would personally like to hear just what Mr. McGill had said. If it is costly or time-consuming, certainly I am not asking, I just thought maybe it was like other tapes you can simply . . .

MR. CHAIRMAN: It is not that easy.

MR. MCGREGOR: . . . don't know how essential it is. We'll agree with whatever the Committee generally would think. Do we want to hear his statement?

MR. CHAIRMAN: Mr. Brown.

MR. BROWN: Mr. Chairman, I don't think that it should be necessary for them to roll back the tape, obviously that is going to impose some difficulty to roll it back. I think that we do have in the drafted resolution, which Mr. McGill presented now, it certainly does have the content of what he was making in his first submission.

So, I would like to just tell the Committee members that at the next meeting we will be looking at a draft report by the Minister. Now that doesn't necessarily say that that is going to be the final meeting, we will then be considering the draft report, but surely we can at this particular time agree upon that it is going to be the Minister and his staff which are going to come up with this draft report. I think that that is really what we are discussing right now.

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Well, Mr. Chairman, I don't think it is necessary to really attempt to recover the words that were said in the first instance on this Motion. Clearly the difference is that I was suggesting that we impose upon the Minister and his staff the job of producing an objective report to the Legislature on behalf of this Committee; and that it be returned to the Committee for approval, amendment or otherwise.

Now the question that has come up is that, should this report also include recommendations by the Minister of Education to the Legislature. Really that is the only point of difference. This was not part of my original Motion, at least it was not intended to be. If it was interpreted that way, I regret the words that I chose, but I think we really just have to decide on whether or not the report should include recommendations to the Legislature as to what steps should be taken by the Legislature in respect to these specific recommendations, or whether it should merely be an attempt to summarize and reflect the tenor and intent of the submissions that were given to the Committee.

MR. CHAIRMAN: Mr. Boyce

MR. BOYCE: Yes, Mr. Chairman, I think there is a general consensus of acceptance of what Mr. McGill has said, and it will be in Hansard, so we can all review it. I am sure Mr. Kovnats is frustrated some times, but we are not like referees who can say that the goal bounced off a fellow, and they play it on the replay there that he banged it in the net. Maybe it should be that we have the decisiveness of referees, but nevertheless I think it is a consensus and we can accept those guidelines.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: Mr. Chairman, I am not going to insist or even ask that we play back the tape to find out what Mr. McGill said the first time, and I believe his last remarks made it quite clear that the only point at issue was the recommendation. Mr. McGill, as Member of the Executive Council, has made it quite clear that he does not want any recommendation of government policy or indication

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of government policy to go back to the House. That stands on the record and so be it.

MR. CHAIRMAN: I don't think the Committee. . . we reflect the views of the Committee. Is there any further discussion?

The Motion then by Mr. McGill that the Minister of Education and staff be requested to prepare in draft form the report of the hearing hearings of Bill 22 and 23, which the Committee or Privileges and Elections heard, and properly reflect the extent, and the variety of submissions made to the Committee, and the same be presented to the Committee for a subsequent meeting for their approval or disapproval. The draft report to be circulated to Committee at least seven days before the next meeting. Agreed? All signify in the usual manner. (Agreed)

Then Mr. Boyce has a privilege that he wants to bring before the Committee. Mr. Boyce, proceed.

MR. BOYCE: Yes, Mr. Chairman, it is fortunate that the Standing Committee of Privileges and Elections of the Legislature of the Province of Manitoba is meeting at the present time. I happen to be of the generation who remember the admonition of Lincoln that the price of freedom is eternal vigilance. Part of the educational system, which took great pains to educate our generation, that if there is a hole in the dike you stick your finger in to prevent the erosion. It is summed up in such things as "A stitch in time saves nine."

Now, Mr. Chairman, I have a few copies of this letter which I sent to all members and a copy of the letter to the Acting Minister of Government Services.

There is a fundamental privilege in parliamentary procedure which goes back to the days of Charles II, which has been defended by parliamentarians, and that is the freedom of members of the Legislature to come and go as you will see in the copy of the letter summed up by a decision of Lord Denman which stands the test of time as far as the courts are concerned, that "all the privileges that can be required for the discharge by the members of the House of their duties, must be conceded without murmur or doubt."

Now this quotation I took from Beauchesne of 1958 and I think that you will see that it is still reflected in the more recent edition. Now, Mr. Chairman . . .

MR. CHAIRMAN: Just for clarification, Mr. Boyce, I just, briefly looking through the powers of this Committee, and under Beauchesne, Section 620, it says: "Standing Committees have the power to examine matters that are referred to them by the House, reporting from time to time, and sending for papers, persons and records, sitting while the House is sitting and during the adjournment of the House, printing all necessary papers and evidence, establishing sub-committees as required, and delegating all, or any of their powers, except the power reporting directly to the House." It goes on and in the next Section 620(1) it says: "A Committee can only consider those matters which have been referred to it by the House." And I have difficulty to wonder how we, in our terms of reference of authority, can deal with matters here today that have not been referred to us by the House.

MR. BOYCE: Well, Mr. Chairman, the Committee is also in charge of its own affairs, that once it has met and filled the requirements of establishing a Chairman and setting a quorum then it has the right to do anything that the Committee in its wisdom so shall decide. My Motion, which I intend to make, is of the type that the Committee recommend to the House that this matter be referred either to the Rules Committee of the House or to this Committee with instructions by the House, because it is a matter of privilege affecting all members of the House. And I have spoken to some people on the other side of the House individually, and while they are not too happy about the tone of my letter to the Minister — because in my chagrin I left my reflection of how I feel about certain events over the past two years be reflected in the letter. Nevertheless, the fact that people visiting a member of the Legislature are required to sign a list — Mr. Chairman, this is a horrendous thing.

MR. CHAIRMAN: Mr. Boyce, let's first of all clarify if we have the authority to hear this matter now, and I refer back to Section 621 (2): "A Committee is bound by, and is not at liberty to depart from, the order of reference." In the case of a Committee upon a bill, the bill committed to it is itself the order of reference to the Committee which must report it, with or without the amendment of the House. When it has been thought desirable to do so the House has enlarged the order of reference by means of an instruction. Mandatory instructions have also been given to committees restricting the limits of their powers, prescribing the course of their proceedings or directing the committee to make a special report on certain matters. At times a Committee may have to obtain leave from the House to make a report with order to its reference, when its reference, rather, is

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limited in scope. I'm still waiting for the Committee to decide. Mr. McGill.

MR. MCGILL: Yes, Mr. Chairman, on the point of order which you raised quite properly, I think. The call of the meeting today said that we were to meet at 10 o'clock to consider the Report of the Committee which will be submitted to the Legislature at its next Session. That is the charge of the meeting today. It does not say that we have any authority to consider such other matters as may be brought to the attention of the Committee, and I would think that, quite clearly, the point which I haven't yet understood, that Mr. Boyce is making — it may be a very important one and it may be one that at some subsequent time, when the Committee is charged with the proper authority, it might wish to consider. But, I would suggest to you, Sir, that it is out of order to bring any matters to the attention of this Committee at this meeting, other than the matters relating to the submission of a report by the Committee to the Legislature.

MR. CHAIRMAN: Mr. Walding.

MR. WALDING: To the same point of order, Mr. Chairman. I believe that our rules, or if not our rules then certainly Beauchesne, are quite explicit in saying that any matter of privilege must be raised at the first available opportunity. Now, with the House not being in session, the member who has the concern obviously cannot bring it to the House. Since the Committee on Privileges and Elections is now meeting, and I refer you to the name of the Committee, Committee of Privileges, where else would a member bring a matter that he considers of some urgency to the attention of other members than to this particular Committee. And, I believe, that my colleague Mr. Boyce is making his explanation now as to why there is some urgency and why he considers it to be a matter of interest and importance to all members of the Legislature, not just to him personally, because any matters that affect the privilege of one member affect the privilege of us all.

Mr. McGill is correct in saying that this particular issue was not referred to the Committee, and that is because it was not before the House and the House was in no position to refer it. And I suggest to you, Mr. Chairman, that since it is a matter concerning all members of the Committee, that the Committee should have it within its powers to at least hear a member on his matter of privilege, and if they so wish to refer back to the House with a recommendation they may do so. If the House then wishes to refer it to a Rules Committee, or back to this Committee, for action, that's another matter. I suggest, Mr. Chairman, that the matter is in order.

MR. CHAIRMAN: For the benefit of the Committee, I am now reading from the Fourth Edition of Beauchesne, Section 304(1): "A Committee can only consider those matters which have been committed to it by the House." So I, therefore, will have to rule the subject matter . . . Mr. Boyce.

MR. BOYCE: Before you rule, Mr. Chairman. On the prior quotation from Beauchesne, the later edition, you said that it "may be necessary for the Committee to ask leave of the House to consider a matter." If you will re-read, not that edition but I think it was the last quotation — I'm sorry I don't recall the chapter and verse — but you said it "may be necessary for the Committee to ask leave of the House." So, how can the Committee ask leave of the House if they're not going to consider the necessity of asking the House for leave. Now, Mr. Chairman, we can get bogged down in the rules, and having had the honour of serving as Deputy Speaker, I have some familiarity with the rules, but in the final analysis, you can sit here quoting rule and counter-rule until the House sits again, I suppose. But it is not a frivolous matter in my consideration. I heard on Peter Warren's show this morning somebody is commenting on what I am not sure of, as far as a privilege of the House is concerned, the searching of offices and the tapping of telephones. And I will say no more because it is sub judice. But, nevertheless, the erosion, as Denman summed it up, they had the thing conceded without murmur or doubt so that . . .

MR. CHAIRMAN: Mr. McGill.

MR. MCGILL: Mr. Chairman, on a point of order . . .

MR. BOYCE: I'm speaking on a point of order, Mr. Chairman. I'm speaking on a point of order, Mr. Chairman, and Mr. McGill's point was well taken. I am asking my colleagues, as members of this committee, to consider how we can fulfil the admonition of Beauchesne if we don't talk about it, if we don't consider it. How can we ask the House for leave to consider this matter if we don't talk about it?

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MR. CHAIRMAN: Well, just briefly, before I hear Mr. McGill, you had raised a question, Mr. Boyce, of what I read from Beauchesne. Here it is, 621(4) "At times a Committee may have to obtain leave from the House to make a report when its order of reference is limited in scope."

I refer now back to Beauchesne, the 4th Edition, 304(2) "A Committee is bound by and is not at liberty to depart from the order of reference."

So I think that regardless of how important the subject matter is that you wish to bring before this Committee today, that I, in reading these documents, will have to rule it out of order and that we do not have the authority to deal with it at this Committee at this time, unless the matter comes from the direction of the House.

Mr. Walding, you had a point you wanted to raise, Sir.

MR. WALDING: Mr. Chairman, have you made a definite ruling on that?

MR. CHAIRMAN: I have, Sir.

MR. WALDING: Then, with respect, I will challenge your ruling.

MR. CHAIRMAN: All those that support the Chair, raise their right hand, signify in the usual manner.

MR. BOYCE: Oh, I don't support the Chair.

YEAS, 6.

MR. CHAIRMAN: Those that are opposed, signify in the usual manner by raising your hands.

NAYS, 3.

MR. BOYCE: The Muffled Cadence of J Jackboots, I remember that speech very well.

MR. CHAIRMAN: The subject matter is not in order for this Committee to deal with at this time.

Committee rise.

Mr. Walding.

MR. WALDING: Mr. Chairman, I had indicated to you earlier that I had a matter of privilege, but I would now change that and say that I had a question for the Minsster on education. I wondered if I could take a couple of minutes of the House's time. No, I won't even say it is a matter of privilege.

I received a letter from an official in the Department of Education indicating what would seem to be a change in policy and I am not sure whether it is a change in policy in the Department of Education or whether it is a matter of government policy and that is what I want to get clear from the Minister.

I should say, Mr. Chairman, that in the eight years that I have been a member of the Legislature I have had many occasions to phone civil servants at three levels of government to obtain factual information, matters of public record, and that information has always been given to me willingly and openly without question providing it was matters of public information. Now, I don't expect any civil servant to give me information where the government is developing a policy on matters of confidence or of personnel or anything of that matter.

A letter, that I have just received, indicates to me that I should submit my request through the Minister. It also says that . . .

MR. CHAIRMAN: Does this refer, Mr. Walding, to the Bills that are before us, Bills 22 or 23, or is it some other matter?

MR. BOYCE: Subject matter thereof.

MR. WALDING: It has to do with . . .

MR. CHAIRMAN: It has to be a lot more specific.

MR. WALDING: It has to do with the administration of the Department of Education I believe, Mr.

Chairman, which I believe has to do with the subject matter. The question that I wish to direct to the Minister: Is it now the. . .

MR. MCGILL: On a point of order. . .

MR. CHAIRMAN: A point of order, Mr. McGill.

MR. MCGILL: I must raise this point of order, Mr. Chairman. I appreciate Mr. Walding's using this opportunity to talk to the Minister of Education, but it is not a proper form for any such communications or questions to be put to the Minister of Education. We are here quite clearly as the Committee of Privileges and Elections to deal with such matters which relate to the report of the Committee to the Legislature. And for the same reasons that you ruled Mr. Boyce's matter of privilege out of order, I would think, Sir, that you would have to rule as out of order any matter which does not relate directly to this report.

MR. CHAIRMAN: Mr. Boyce.

MR. BOYCE: Mr. Chairman, to the point of order, it is quite obvious that when people read these Hansards to see the lack of interest of the government and the government members of this Committee, they will certainly see that there is no interest reflected by the Government in what has transpired.

To the point of order that was raised, I could have made the point of order peripherally in that these people that came to see me, and had to sign a list in this Legislature last Thursday, were coming in here about this damn thing. Now what Mr. Walding is raising is that as a direct result of some of the information that was given to him during these hearings. And how in heaven's name as responsible legislators are we supposed to form a report to the Government if we can't come and go as we want, have people come to us and then ask questions that arise out of the representations that were made.

MR. CHAIRMAN: Well, Mr. Boyce, I think the Committee has sat here for several days and dealt with it at the best of our ability and I, as their Chairman, only have the authority to try and Chair this Committee. . .

MR. BOYCE: And you have done a wonderful job. You have done a wonderful job.

MR. CHAIRMAN: I must abide by the guidelines that are before the Committee, and it is pretty well and clearly spelled out that we don't have all the authority that we maybe would like to have and we have to deal with the subject matter that is before the Committee.

I am still wondering on Mr. Walding's point that if he is relating to something in Bills 22 or 23, or information, a statement that the Minister made, or something that is not clear, I am sure he can meet privately and discuss it and get it clarified. But if it is the subject matter that there is some concern about and I still haven't heard what the subject. . .

MR. BOYCE: That's right. You want to shut him up before he even asks the question.

MR. CHAIRMAN: If it is referring to Bills 22 or 23, in some way he can raise the question and we can proceed, but if it is not I am going to have to rule it out of order.

MR. WALDING: Mr. Chairman, to the same point of order.

When I began my remarks I asked, "Would you allow me to put a question to the Minister?", and I believe that you indicated that you would and I am now trying to do this.

MR. CHAIRMAN: On one condition, that it refers to Bills 22 and 23 in some way, or something that happened during the hearings, something that wasn't clear or some question that you think is important that it be raised today. But if it is another subject matter, then I have difficulty in allowing you to proceed.

MR. WALDING: I believe my question has to do with the administration of Education.

MR. BOYCE: The Educational Administration Act.

MR. WALDING: I believe it has very much to do with that. The question is quite simple, Mr.

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and I don't really see what Mr. McGill's sensitivity to it is.

I was indicating before that the letter that I have received indicates to me that if I wish any information of a factual nature that I must send a letter to the Minister. Now I am asking the Minister is this his policy, that I must do so, and if so when did this policy come into effect; or is it a Government policy and affecting all departments, and if so, when did it come into effect?

MR. CHAIRMAN: Do I read you correctly, Mr. Walding, that you have sent a letter or somebody has sent a letter to the Department asking for certain information re Bills 22 or 23, and they haven't been able to gain it, is that correct?

MR. WALDING: I contacted a civil servant for some information; I received back a letter from a superior of his, also a civil servant, who indicates to me that if I want any information I should write a letter to the Minister. Now this would appear to be a change of policy because this has never been indicated to me before in eight years of government, as a member.

I am asking the Minister: Is this in fact the policy, and when did it come into effect?

MR. CHAIRMAN: Well, I first of all have grave doubts that that subject is the terms of reference of our Committee. —(Interjection)— Well, I certainly do if the member wants to raise it. I think the House is the proper place to raise it. We are dealing with Bills 22 and 23 here today. If the Minister wishes to reply, he is quite in order to reply, I have no quarrel at all, but I find that Mr. Walding has yet to refer to Bills 22 or 23, so I don't think the subject matter that he is referring to has anything that we can deal with at this time.

Mr. Cosens, if you wish to proceed, you are at liberty to do so.

MR. COSENS: Mr. Chairman, I am quite prepared to discuss this matter with Mr. Walding. I have some question in my mind whether this is the appropriate place to discuss something which I don't see really bears directly on the Bills under consideration. I certainly am quite prepared to discuss the matter with him and to clarify any questions he may have in this regard. I don't want to find that I am discussing something inappropriate to this Committee, however.

MR. CHAIRMAN: Committee rise. Mr. Walding.

MR. WALDING: Mr. Chairman, just in response to that. I am very pleased that the Minister would be prepared to discuss the matter. It's not just of interest to me because it would appear to affect all members of the Legislature, including government members. And, incidentally, according to this letter, it also includes members of the Executive Council, so it would perhaps include the Minister himself if he wishes information from another department.

MR. CHAIRMAN: Mr. Walding, I have difficulty trying to see how we can discuss that matter, or resolve it, at this table.

MR. WALDING: Well, Mr. Chairman, it has to do with the administration of the Department of Education, I mean, that's quite clear. But I am trying to find out what is the policy of the Minister in the execution of his duty in administering the education department.

MR. CHAIRMAN: If I may, Mr. Walding, I must refer you back to the terms of reference of this committee and we're to deal with Bills 22 and 23 and the briefs that were brought before us. A difference of opinion between you or your constituent and the Minister of certain matters that have happened I don't think is for us to deal with here, the House is the place for it. But I have difficulty in allowing this to proceed the way we're going here because I find we are getting far away from what we are supposed to be dealing with. Mr. McGill.

MR. MCGILL: Mr. Chairman, in order that Mr. Walding, and the Minister, may have an opportunity to discuss this and to resolve it, I move that the Committee rise.

MR. CHAIRMAN: Committee rise.

A MEMBER: Yeas and Nays. A COUNTED VOTE WAS TAKEN the result being as follows:
Yeas 6; Nays 4.

MR. CHAIRMAN: Committee rise.