

**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON RULES OF THE HOUSE**

Tuesday, 9 April, 1985

TIME - 10:00 a.m.

LOCATION - Winnipeg, Manitoba

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

ATTENDANCE — QUORUM - 5

Members of the Committee present:

Hon. Messrs. Anstett, Penner
Messrs. Ashton, Enns, Fox, Graham, Ms. Phillips

APPEARING: D.W. Moylan

MATTERS UNDER DISCUSSION:

1. Adoption of Agenda.
2. Consideration of the proposed First Report of the Committee.
3. Clarification of sub-rule 21(3).
4. Practices relating to the substitution of Members on Standing and Special Committees.
5. Clarification of the meaning of sub-rule 27(2).
6. The use of TV Cameras in the Press Gallery.
7. Other Business.
8. Time and Date of Next Meeting.

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1. ADOPTION OF AGENDA

MR. CHAIRMAN: Order please. There being a quorum, the committee will come to order. The proposed agenda has been circulated with the necessary background papers. Item 1 is the Adoption of the Agenda. Is there any other item to be added, changed, deleted?

If there is not, can we adopt the agenda, as printed? Agreed)

**2. CONSIDERATION OF THE PROPOSED
FIRST REPORT OF THE COMMITTEE**

MR. CHAIRMAN: Item No. 2, Consideration of the proposed First Report. A draft has been circulated, all 3 pages of it.

Mr. Anstett.

ION. A. ANSTETT: Yes, Mr. Chairman, two suggestions: the first at the bottom of Page 2 suggested that the last paragraph and last sentence be ended at the word "deferred" in the 2nd last line and the last six words be struck out.

MR. CHAIRMAN: And secondly?

ION. A. ANSTETT: Mr. Chairman, at the bottom of Page 6 the phraseology of the proposed new Rule

20(2) "in such sequence as the government thinks fit," the phrase "thinks fit" almost has a cavalier ring to it, and I am wondering if those two words could be struck out and the word "determines" substituted therefor.

HON. R. PENNER: More dictatorial and less cavalier.

HON. A. ANSTETT: Yes, it doesn't change the meaning.

A MEMBER: "Thinks fit," is the existing wording.

HON. A. ANSTETT: Right.

MR. CHAIRMAN: Any problem there with the . . .

MR. A. MOYLAN: No problem there, Mr. Chairman.

MR. CHAIRMAN: Okay.

MR. H. ENNS: No, I have no difficulty with that, Mr. Chairman.

HON. A. ANSTETT: I have no other comments. I believe, Mr. Chairman, the report accurately follows our deliberations. I did not, I will admit, compare the details on the massive amendment respecting Private Bills with previous Minutes, I assume they have been accurately copied. We've been through that so many times that I did not, I will admit, bother to read that portion of the report through word for word and compare it with the actual amendments as approved here, but I rest assured it's accurate.

MR. CHAIRMAN: Mr. Remnant.

MR. CLERK, W. Remnant: Mr. Chairman, I have three very minor suggestions for the committee's consideration. At the bottom Page 1, rather than saying "next summer," the summer duties for the Clerk's Office, it would be more precise if that were revised to read, "Your Committee recommends that during the summer of 1985"; that was the intent.

The next one, Mr. Chairman, is on Page 6. On Pages 3, 4 and 5, interim amendments adopted on a trial basis are identified to make the distinction between the interim and the permanent rule change is being proposed in this report, I wondered if the committee at the top of Page 6 wanted to say something along the lines of the following: Your committee has agreed to the following permanent changes to the rules and recommends them to the House to be effective on such and such a date, and that question arises either to be effective immediately or that it be effective at the commencement of the next Session. A lot of these relate to private bills, and you're already into a Session, etc.

HON. A. ANSTETT: I understand the Clerk's point, Mr. Chairman. I see no problem in saying: "Agreed

to the following permanent changes and recommends them to the House." Past practice has been that rule changes come into effect immediately upon concurrence, unless otherwise stated. If there is any doubt about that, perhaps we can say: "and recommends them to the House to take effect immediately upon concurrence by the House." That's the practice, I don't know that it's necessary to say it, but to prevent any misconstruing the intent, Mr. Enns and I have already agreed that the appropriate time for concurrence in the no-smoking provisions would be the third week of June, I think?

MR. H. ENNS: In that neighbourhood.

HON. A. ANSTETT: Yes.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Mr. Chairman, that was my understanding that the committee reports to the House, and then it's up to the Government House Leader to call for concurrence of that report at a time determined by the Government House Leader. My only question is, because some of the things are in place, some of the private members' bills are before us, do we get ourselves into any awkwardness if we change procedural rules prior to them being dealt with, and I simply ask the question, I don't know?

HON. A. ANSTETT: Mr. Chairman, I believe that no resolution, no private members' resolution, at this point has been debated twice. Therefore, the time allocation would not create a problem for any of the existing private members' resolutions. There are no Orders for Returns or Address for Papers referred for debate at this point, and no private members' bills, either public or private, have had debate commenced. So, I believe we could concur in the rules without any difficulty with regard to the time allocation provision.

The one minor difficulty might be with respect to those, I believe it is only two resolutions that have been debated, but they have been debated for a full hour in each case, I believe, and I don't think - well, perhaps last night we may have shortchanged the hour by three minutes. I think we called it 5:30 at very close to 5:30. If the Clerk, and I think the Clerk could arbitrarily add one hour to each of those resolutions without unfairly limiting the time to those. It would actually be my proposal, subject to discussion with the Opposition House Leader, despite my earlier facetious comment, to move concurrence at the earliest opportunity, particularly so that those members planning items for Private Members' Hour will know that the rules apply uniformly. But more particularly, for the public with regard to private members' bills because the most important changes we are making are to streamline the private members' bills process.

MR. CLERK: Well, it's the private bills process.

HON. A. ANSTETT: Sorry. Private bills process, not private members' bills.

MR. CHAIRMAN: Before you leave that, I wasn't quite sure from your remarks whether you intended, when

the three-hour limit on resolutions came in, whether every resolution would have an additional three hours from that time or whether the one hour already used on those two resolutions would be counted and they would be given an extra two hours. Can I be clear on what the intent is?

Mr. Anstett.

HON. A. ANSTETT: Well, Mr. Chairman, subject to the direction of the committee, I was suggesting that so as to treat all resolutions the same this Session, we should count the two resolutions that have been debated to date as already having the one hour of clock time out of the three hours, but if the members feel that applying it retroactively is unfair, I am amenable to doing it the other way, but I think the first suggestion is the fairest.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, have members of the committee considered a possibility that any changes that affect debate or that affect bills in the time allocation, what would be the impact if that was deferred to the following year? What effect would it have on the operation of the House this current Session?

I don't think it would materially affect the time of debate this year, and I just wonder if members have considered the portion of that dealing with the private bills and Private Members' Hour, if that was deferred or comes into operation with the next Session. Have members considered that possibility and what would the impact be on the operation of the House?

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: Well first of all, Mr. Chairman, it seems to me that if for good and valid reason, following a lot of consideration, we have decided that certain rules should be changed. I think it should be done as soon as possible.

We have determined in our collective wisdom that rule X is no longer suitable in the way in which it is phrased and ought to be reformed and brought up to date. I think that we should do that as long as we are satisfied as I am sure that we are in most instances except the one - and I'll come to that in a moment - that no rights are being taken away upon which people have relied or no one has been prejudiced.

The only possibility is with respect to the Private Members' Hour, but there to defer it to next year really removes the substance of what we are doing, is to introduce something for a trial basis for this Session so we can see how it works. I mean, if you are to defer it then you are no longer talking about a trial basis in this Session to see how it works and I can't see that we're really seriously, or in any fundamental or substantive way, prejudicing anybody, all the more so in terms of equity. If we agree, as has been proposed, that the hour already expended on two of the Private Members' Resolutions count toward the three hours now being proposed.

MR. CHAIRMAN: The Member for Concordia.

MR. P. FOX: Precisely what I was going to say. Since we're putting this on a trial basis for this Session only,

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I think if we defer one part of it then we won't get the experience of what we're trying to accomplish. So I really wouldn't be in favour of deferring it.

MR. H. GRAHAM: Mr. Chairman, I wasn't really too concerned about resolutions, I was thinking more in the line of private bills. While I don't think the public would really have much cause to be concerned, I think the public, when it comes to private bills, they have an investment they have to make to get a bill before the House, and they may be concerned about the length of time that it is debated, and if those hours are changed after there has been an application.

I don't know whether there are any applications for private bills before the House or not, but I think it might have an impact with the public. That was the only concern I had.

HON. A. ANSTETT: Mr. Chairman, if there are exceptional circumstances with regard to any private bill, as opposed to a public bill by a private member, the rules are being proposed on a trial basis for this Session so that we can examine how they work for the next Session. That's really the purpose of this, and it is an experiment.

If there is a problem, that's something that we will then learn from. We can certainly, by leave, deal with that. We have always, as members on a non-partisan basis, dealt with private bills of this type. I would be surprised if the records would show that three hours were ever required for a straight private bill. So I'm not at all adverse to the suggestion that they be limited in the same way as resolutions and public bills.

MR. H. ENNS: Mr. Chairman, I may have missed what the Clerk was explaining earlier on. I'm just going through the entire package and on Page 6, it begins with: "Your Committee has agreed to the following changes to the rules and recommends them to the House:"

I'm having trouble understanding which are the rules that we are putting on a trial basis, you know, and which are in fact permanent changes.

HON. A. ANSTETT: Bottom of the page.

MR. H. ENNS: Bottom of the page? Do you understand

HON. A. ANSTETT: Mr. Chairman, on a point of order.

MR. CHAIRMAN: Mr. Anstett, on a point of order.

HON. A. ANSTETT: Just so that we know where we're going, I think I may have misled the committee, and I was operating on an assumption which the Clerk has pointed out, and Mr. Fox has pointed out, is incorrect. Mr. Graham's reservations need not have been taken. In the centre of Page 5, you will see that the three-hour time limit only applies to private members' resolutions in the trial rules which start on Page 3 . . .

MR. H. GRAHAM: And end on the bottom of Page 5.

HON. A. ANSTETT: Right.

MR. H. GRAHAM: Thank you.

HON. A. ANSTETT: Okay, the middle of Page 3, all of Page 4 and all of Page 5. At the top of Page 6 are permanent changes, and it only applies to private members' resolutions. I thought it was applying to bills as well. I would have no reservation about applying it to bills, but I believe at an earlier meeting - and I believe it was Mr. Graham who supported the suggestion - I now recall that both public bills and private bills were removed from the time allocation. They had originally been included. So you won that battle earlier, Harry.

MR. H. GRAHAM: Thank you.

MR. CLERK: Mr. Chairman, to go back to my question that started all this, is the committee agreeable to changing that lead-in sentence at the top of Page 6, "Your committee has agreed to the following permanent changes to the Rules and recommends them to the House to be effective on concurrence." (Agreed)

And I have one more, Mr. Chairman, with the committee's indulgence.

MR. CHAIRMAN: Before you get to that, Mr. Graham, was your point on this item?

MR. H. GRAHAM: No.

MR. CLERK: On Page 8, about two-thirds of the way down the page, not quite, there is a marginal note: " 'Count-out' vote." On the third line of that section which is sub-rule (7.4), it now reads "Clerk of Committees," that should read, "Clerk of the Committee." And Clerk of the Committee is what this committee agreed to somehow or other in the process, and I spotted this after this material was produced. — (Interjection) — Well, it has to be Clerk of the Committee which could be any one of several people, rather than a specific individual being the Clerk of Committees. — (Interjection) — No, you're quite right.

MR. CHAIRMAN: With those minor changes, was there anything else to change, Mr. Graham?

MR. H. ENNS: No problem.

HON. R. PENNER: Pass.

MR. CHAIRMAN: If there is nothing else, can we then approve Item 2, the Rules Committee Report, the first report. (Agreed)

MR. H. ENNS: There was a suggestion from the Whips that we have these translated before we move forward.

HON. A. ANSTETT: Well, maybe we should translate all the rules first.

MR. H. GRAHAM: What is it that you've got against Larry?

MR. CHAIRMAN: Moving right along.

3. CLARIFICATION OF SUB-RULE 21(3)

MR. CHAIRMAN: Item No. 3 on your agenda, Clarification of Rule . . .

MR. CHAIRMAN: Moving right along, Item No. 3 on your agenda, Clarification of Rule 21(3).
Mr. Anstett.

HON. A. ANSTETT: My hand wasn't up, Mr. Chairman.

MR. CHAIRMAN: Oh, I thought it was.

HON. A. ANSTETT: I'm hoping the Clerk can perhaps remind us what the nub of the problem is here, and make his recommendation as to how we deal with it, if he has one.

MR. CLERK: Mr. Chairman, yes, well the nub of the problem is that, under existing Rule 21(3), debate on a motion respecting a matter of privilege and on a motion for the previous question will terminate pursuant to Rule 21(3) on the day on which either of those motions are moved and brought into debate and they would be terminated without question put.

It also appears, Mr. Chairman, and I had a few concerns that, if you wanted to apply Rule 21(3) extremely rigidly, there are also other motions which do not appear on the Order Paper which were not identified in this paper, and that is those motions which are moved, by leave, without notice, relating to the Supply procedure.

You can get in the interesting situation where a motion is moved that this House at its next sitting resolve into a Committee of Supply. It's not on the Order Paper, it is in exactly the same category as other motions dealt with by 21(3), and debate is terminated at adjournment time.

MR. CHAIRMAN: So you wouldn't be able to do your Interim Supply or Estimates or anything else.
Mr. Anstett.

HON. A. ANSTETT: That rule has not been applied that way in the past . . .

MR. CLERK: No, no.

HON. A. ANSTETT: . . . because I can recall instances where, in opposition, Mr. Cherniack and then later Mr. Ransom have taken adjournments after the conclusion of the Budget Debate for the purpose of debating the creation of Supply and Ways and Means, which is what that motion does. The rule has not been applied but, strictly speaking, I understand the problem. I hadn't realized it could be applied there as well.

MR. CLERK: The Government House Leader asked me if I had any solution to the problem. My inclination, as a suggestion to the committee, would be that this committee has already adopted a new rule relating to grievances. What is left in Rule 21(4) relates to matters of urgent public importance. That provision could be transferred to Rule 27. You then do away with 21(4); you are then left with 21(3). You've got specific rules then that deal with matters of urgent public importance, with grievances, with closure. What you have left is the

previous question, the matter of privilege and those motions which relate to the Supply process.

The predecessor, Rule 21(3), indicated that, unless covered by some other provision, any matter that was not concluded at the adjournment hour was picked up again the next day.

HON. A. ANSTETT: Mr. Chairman, the wording of 21(3), if we move the provision respecting debates on grievance and on urgent public importance to the more appropriate places so that they are exempted from the operation of the rule, clearly, the wording is such that I believe both 21(3) and 21(4) could be dropped unless I misunderstand what the Clerk is telling us.

I have a bit of a problem as well with the precedence provision in 21(2) but that's another question because we do not follow that.

But if we move, as the Clerk suggests, the rules respecting urgent public importance and grievance to their own appropriate sections and provide that those matters are exhausted that day, which has been our practice and has been our rule, do we need 21(3) and (4) at all?

MR. CLERK: Mr. Chairman, we have already, in the report just adopted, moved the reference in 21(4) to grievances. That's gone. If we as I suggested earlier move to 27 the reference to Matters of Urgent Public Importance, then you eliminate any need for 21(4).

21(3) is a problem the way it's worded. If you take it out and leave nothing in its place, you then have an unprovided situation which gives you no direction in those circumstances where you have a matter of privilege, a previous question motion or Supply motions before the House. Maybe the committee suggests you rely on practice in that situation.

The previous rule, and I am just thumbing through here trying to find it, Mr. Chairman, the rule that preceded present 21(3) indicated that in such cases a matter not concluded at adjournment carried over to the next day.

HON. A. ANSTETT: Well, Mr. Chairman, I think it's entirely appropriate that matters brought to the House on substantive motions such as the motion to constitute the Committees of Supply and Ways and Means, a matter of privilege which the Speaker has admitted as a substantive motion and is in order, or a matter for the previous question should be decided by the House. I think the House has a right and an obligation to decide questions that are placed before it.

The decision by members to talk items out is one thing and that's a conscious decision taken by members to talk an item out, but to have the rules preclude that all members who want to have an opportunity or that the House can make the decision by just saying if something starts at 9:30 at night it's dead at 10 o'clock and the matter of privilege comes up, if it's a serious issue, the House wants to address it.

A motion for the previous question would be a totally meaningless motion. No Government House Leader could ever use the previous question motion if it died that day. You have to be able to exhaust debate on it. The whole purpose of previous question is not to put the question but rather to limit amendments.

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IR. CLERK: Mr. Chairman, I have located old 21(3) which is not a bad rule and I think ties in with some of the things the Government House Leader was just saying, and it reads: "Where business, other than a motion on the Order Paper, is under consideration when the House adjourns for the day, that business shall, without a motion to that effect, stand over until the next sitting day when it shall be taken up at the stage at which its progress was interrupted by the adjournment."

Now this is just those three things we talked about that do not appear on the Order Paper, a privilege, previous question and Supply motions.

ON. A. ANSTETT: The same problem with that rule have with the current Rule 21(2). I would suggest the word "shall" be changed to "may."

Well, 21(2) now provides that where we finish debate, assuming we are not in committee but we are in the whole House and we are on bills and we finish debate and a member is speaking at 10:00 p.m., technically 21(2) requires the Clerk to place that item first the next day on the Order Paper and technically requires that item to be called first and discussed first, and that's our practice.

In fact sometimes when a member has been speaking on a bill and is interrupted by the clock, that bill may not again be called for a week or so to allow continuation of the debate, and the suggestion that it become now requirement that that be first on the Order Paper at the next sitting or that it shall be the first item and shall be continued at the next sitting, there may be their priority business.

21(2) is less of a problem because it doesn't require to be debated. It only gives it precedence in the order, although I know by practice what we have done: always listed bills on adjourned debate by bill number and we haven't moved one on which debate was topped by the clock, put Bill 22 ahead of everything else less than 22 for example. So it may not be a problem with 21(2).

But I would be happy with the wording of 21(3) if the word "shall" had "may" substituted therefor.

IR. CHAIRMAN: But you wouldn't want matters of privilege handled like that, that if it's interrupted today can be started again next Friday or something. We would want that to continue the very next day and the first item on Orders of the Day.

ON. A. ANSTETT: But not necessarily the previous question and not necessarily a debate on establishing the Committee of Supply because that debate would then take precedence over the Budget Debate on the very first day of the Budget Debate.

IR. H. GRAHAM: Mr. Chairman, it's my impression that our present rule on privilege takes precedence over everything and if a privilege motion is still unsolved at closing time, we don't need anything else because still takes precedence over everything. It's a matter that the House has to deal with at the first opportunity.

ON. A. ANSTETT: Not under a rule though; under custom and practice.

MR. CHAIRMAN: Surely the request to bid to deal with the matter of Supply entails putting aside the regular business of the House to deal with that matter of privilege, so that in itself surely supersedes any rules.

HON. A. ANSTETT: That's not passed, that's being debated.

MR. CHAIRMAN: But before you can debate it it's put aside.

HON. A. ANSTETT: Mr. Chairman, the motion for privilege cannot set aside all other business of the House purely by having been moved because that would require leave or, as in urgent public importance, the Speaker would have to ask the question: "Shall the debate proceed?" Otherwise motions of privilege could be used to stalemate the functioning of the House.

By practice and custom we have dealt with them that way, and I agree with that treatment, but I wouldn't want it assumed that privilege took on an aura of urgent public importance without the House having, by either leave or vote, granted that status. The Speaker ruling that the motion is in order does not alone grant it that status, because then the Speaker would be granting leave on the part of all members. The fact that the debate continues is because all members recognize the urgency associated with it.

I would have no problem in saying that, on matters of privilege, the debate shall continue until resolved. I would have a problem with saying that it shall get that precedence if it's a matter of other motion, such as the committee-striking motion, or the previous-question motion. I understand your concern about the privilege motion and I think a new 21(3) could take that into account, but I would have reservations about giving the same status to the other motions. If others agree with that, perhaps the Clerk could take an attempt at drafting and we could look at it again at the next meeting.

HON. R. PENNER: Yes, I agree with that, Mr. Chairman, I think that clearly the way in which the rule now stands can produce a quite unintended result and make a mockery out of some of the very important substantive motions that are caught by it. On the other hand, we in redrafting want to take into account the ripple effect that we might inadvertently create by tying the hands of the Government House Leader with respect to calling the business of the House the following day. So perhaps with some of the suggestions, there might be others, the Clerk of the House might work at it and bring it back.

MR. CHAIRMAN: Would it be the will of the Committee then that certain named items die at adjournment hour, such as, grievances, urgent debate, etc., and all other items which are not on the Order Paper continue the next day or whenever, as in the past? Would that take care of it? Then if there are other things that we haven't noticed so far that could fall under that they would be covered by that sort of blanket requirement to continue the next day.

HON. A. ANSTETT: Mr. Chairman, I believe that a blanket requirement is really the only bone of contention

here. The provision with regard to urgent importance and grievance are both already in our rules.

The provision with regard to privilege is that it does continue automatically, no one raises the question when that matter of privilege continues the next day, it is the item of import and precedence, but I don't think it should apply to any of the other motions that are caught by that. They should be called as government business because the other motions, I believe, would all be government motions, and they should be callable. That's really the distinction we're making.

A matter of privilege is not a government motion, it can come from anywhere, and it should have its own precedence and should supersede government business. But a government motion for the previous question, or an opposition motion for the previous question for that matter, on a government motion, resolution or bill - which is possible although the opposition wouldn't normally make that motion, but it's certainly something they could do - I would object to that receiving that same precedence that it must be called as the first item the next day; that creates a problem.

MR. CHAIRMAN: I wasn't suggesting that. If that's the will of the Committee, then the Clerk will draft a rule to say that and bring it back for the next meeting. Is that agreed? (Agreed)

4. SUBSTITUTION ON COMMITTEES

MR. CHAIRMAN: If we can move to Item 4 on your agenda, Substitution on Committees.

The required information of information asked for is provided in the Background Paper.

HON. R. PENNER: I just flipped right over to the recommendation being something of a bottom line reader and, of the alternatives, I like the (b) alternative. In effect, it's the Caucus which determines membership on committees and this seems to me to make more sense than leaving it to the regular member of the committee who, for many reasons, might be unable to get the notice or whatever. I strongly feel that we do need this kind of a rule.

We have a somewhat archaic mechanism and — (Interjection) — The Member for Concordia suggests refinement there, with which I would agree, the relevant caucus chairman would designate, or nominate a temporary substitute by prior notice in writing to the Committee Chairman. I think that's really what we want is some mechanism for notice so that it's an orderly procedure and the Committee Chairman knows who, in fact, are the members of the committee for that day with respect to such things as counting quorum and votes and so on.

MR. H. ENNS: Oh, I tend to agree with the comments of the Attorney-General. I think that there needs to continue a function by caucus and different caucuses have, perhaps, singled out different individuals, a Whip in some instances, to make the designation but rather than having the committee do it on its own. That should maintain some control and some formality to the designation of committee members.

MR. CHAIRMAN: I wonder if that accomplishes what it is that you want to do because if you have to give prior notice in writing, surely you are tied into that designate who may or may not be available on that particular time that he is wanted. Would the same thing not be more easily accomplished by the members of that committee writing out a blanket, undated resignation which they would leave in their caucus room with somebody so that if a problem occurred on that morning that Mr. Smith couldn't make it, then you would pick our Mr. Smith's blanket resignation, put a date on it, and then you can replace him with whomever, not solely with that designated member that you had said.

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I think we have two problems here. I think the recommendation is good. I think either one will work. Having a regular member of the committee designating a temporary substitute at the meeting, which is something that is often done, using the resignation mechanism in effect, what the committee does during recess is elect another member. But it's always done by the provision to the Chair of a letter of resignation by one member; and the indication from one of the members of the respective caucus from which that resigned member belonged, of the replacement who's at the meeting and is then accepted without any discussion.

The Quebec rule has some merit in that it provides that the committee be provided with the information on the substitution at the beginning of the sitting of the committee, rather than prior notice. In other words, the committee comes together; the committee is advised that Mr. Ashton is snowed in, in Thompson, or the airline didn't fly or Mr. Enns is flooded out by Shoal Lake or whatever, and a substitute will take place.

We do of course have the broader question which is only peripherally addressed with these suggestions and that is the provision of Rule 66.2(4) which is the mechanism that to be quite honest I believe I misunderstood, Mr. Chairman, because I thought a motion was required and I find that the act specifically provides that at other times, in other words, other than a recess or prorogation, when the House is in Session a member may leave a committee by delivering notice of the resignation to the Speaker or Deputy Speaker, which in effect is not now followed.

A member leaves a committee by having the Whip announce that the member is being substituted by someone else and that is what 66.2(4) provides. That is the only rule under which we currently now make substitutions and to be quite honest, we don't follow that practice. If it's not our intention to follow it, and I don't think it is, because oftentimes we do a substitution when a committee meeting is called and our member is off somewhere at meetings or whatever and is going to be away; especially an opposition critic may be away and there may be a substitute for one meeting that we've agreed to hold, of that committee and that member does not deliver a resignation to the Deputy Speaker or Clerk. That too is often a temporary substitution. You still want that member back on Public Utilities and Natural Resources for the next meeting, but the act has a provision.

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I believe we have to amend the act before we can make operative this temporary substitution rule.

HON. R. PENNER: Assuming without necessarily agreeing that a change to the act is necessary, that can be done through the Statute Law Amendment vehicle this Session.

I am inclined to the view that 66.2(4) deals not with substitution but with resignation. Now that may be a distinction without difference, although I think not, or somebody saying I'm just leaving this committee, goodbye, and no longer have anything to do with it. You could interpret it that way.

It also is permissive, may resign from the committee in this way. It doesn't necessarily lead to the interpretation that that's the only way of doing it if we are talking about a resignation. Would you agree with that?

MR. D. MOYLAN: I would agree with that.

HON. R. PENNER: Yes. So that you could through the rules, particularly if you framed the rules in terms of temporary substitution and make it clear that it's not conflicting with but is an addendum to the statutory provision, and you wouldn't have to change the statutory provision.

MR. H. GRAHAM: Mr. Chairman, I have always had a concern about the changing of membership on committee, whether it be temporary or permanent.

At the present time, the practice that we have been following has been a permanent change. If a member through the Whip while the House is in Session, if the Whip stands up and announces that we are substituting the name of John Blow for Mike, that remains that way until another change occurs to replace or put that member back on the committee. That causes a great deal of concern to me because I think what we are doing is denigrating the work of committees.

The work of committees in the Legislature should be very important work and so far I notice that the committee work in this Assembly has been slipping. The committees have not been doing the work that committees used to do. I refer to a committee . . .

HON. A. ANSTETT: I hope you're not referring to the Rules Committee.

MR. H. GRAHAM: No, no. I'm referring to the work the committee did on Family Law which was very important work for the Province of Manitoba. That committee sat for eight or nine months dealing with a very important issue.

Now if you have unlimited substitution when it comes to making recommendations, you may have people on a committee where there's only one of the original members on there, and they do not understand all of the entire work that goes on. So I've become concerned about the amount of substitution that has been allowed to go on in this place with respect to membership on committee.

It's my belief that once you are appointed to a committee you should stay with that committee until the end of that Session. Unless for very personal

reasons, either sickness or something of that nature, you make that request to have your name taken off that committee.

When it comes to a temporary substitution for one meeting only, if it's purely for the purpose of maintaining a majority on the committee or to have a quorum to hold the meeting, I become a little concerned because that indicates to me that members of the Assembly aren't taking their job very seriously.

So I have concerns about substitution on committee, because I think we are losing the import of the committee work, and we may be classifying committee work as second-class work, and I wouldn't want to see that done.

I'd venture to say, Mr. Chairman, that if you asked 20 members of this Assembly what committees they're on, over half of them couldn't tell you what committees they belong to. That is a sorry sorry state when members don't know which committees they're supposed to be on.

HON. A. ANSTETT: Mr. Chairman, I believe Mr. Graham and Mr. Penner are somewhat on the same wavelength, and I'm not in disagreement with them. I perhaps would not put the same emphasis that Mr. Graham has on the evils of substitution.

I think we have had several sets of committees which have travelled around the province in the term of this government that have done very important work and have had public hearings come forward with excellent reports.

The Member for Virden served on the Standing Committee on Municipal Affairs, as I recall, which held hearings on municipal assessment. I don't believe he was on the Standing Committee on Agriculture when we discussed the Western Transportation Initiative. But I chaired both those committees and I know, as Chair, that those members who, for whatever reason, were unavoidably absent from any of those meetings we held around the province, were absent to their own great regret.

The fact that someone else was placed on the committee for that meeting meant that another additional member of the Assembly had an opportunity to become more conversant with the issues and to hear the public's views on those issues. I think that's an asset. I think continuity is important, but I'm not sure that I'd want to carry it quite as far as the Member for Virden wishes.

I appreciated the intervention of the Attorney-General with regard to the provision of The Legislative Assembly Act, and the suggestion of the Member for Virden in the same vein that a change in the committee membership as opposed to a substitution should be distinguished. That was something that had not occurred to me quite as clearly until they made those comments.

I think perhaps the substitution proposal that we have here, which is provided for under (a), which I think is a good one, could be amended to provide similar to the Quebec rule, that it be at the beginning of the meeting rather than prior to the meeting, because oftentimes members in their respective caucus rooms may not be aware until it's time to get to the meeting that one of their colleagues is going to be absent, or

till very shortly before the meeting; and that we ask the Clerk to examine the vehicle for permanent substitution, whether we continue to do that by resignation which I suspect, in view of Mr. Penner's and Mr. Graham's comments, might well be the will of the committee to leave the legislative provision which deals with resignation alone and provide a rule which deals with temporary substitution and provide that rule relates only to that meeting. If the substitution continues to a subsequent meeting, that it has to be so provided at the beginning of each meeting. If for any reason that is going to be converted to a permanent change, then the legislative provision would come into force and a resignation would be required.

I know that, particularly during the hearings on the constitutional amendment in the fall of 1984, it was of some importance to both caucuses because of the length, extent and location of many of those meetings that special provision be made to accommodate substitution. It was done, and there was extensive substitution at that time. I don't anticipate that's going to — (Interjection) — the fall of 1983, I'm sorry. Thank you, Mr. Fox. I don't anticipate that we're going to have any committees travelling about the province on an issue that is going to generate as much interest or occasion as many hearings in the immediate future, but I think providing for substitution has been a concern to members in both caucuses who found themselves unrepresented on occasion on committees when members weren't available.

So I would suggest that Mr. Graham and Mr. Penner's concerns, Mr. Chairman, can be addressed by dealing only with substitution, providing that substitution can only be made for that meeting of the committee, the understanding being that the permanent rule with regard to resignation in writing then to the Speaker or Deputy Speaker apply to permanent changes, and with the one minor change to follow the Quebec rule on the temporary or interim substitutions. I think that accommodates most of the concerns I've heard.

MR. H. ENNS: Mr. Chairman, I want to take this occasion to put on the record that certainly the Member for Virden, Mr. Graham, has been one of those members who has at all times taken his committee work very seriously. The Government House Leader alludes to a particular standing committee dealing with the very important constitutional matters before us some time ago that I'm aware that Mr. Graham served diligently on that committee.

However, I must also indicate to him that it is sometimes a decision of caucus to deliberately make changes or accommodate changes, particularly in the event of committees that are moving about the province, to accommodate perhaps a member from that region where the meeting is being held. We've done that, and we've done that deliberately for good reason, I suggest, that the member had particular knowledge and input to bring to the committee as that committee sat in that area. It was important that the member be represented on the committee and so, to some extent, I think the very appropriate questions that Mr. Graham raises, perhaps a good deal more of the responsibility lies with the respective caucuses and the direction and indeed the discipline they call for from their members that are

appointed to various committees from time to time. I think that Mr. Graham's concern about the importance of committee work should be duly noted at this meeting and understood.

But, having said that, I think that if we can enhance or maintain the importance of the committee members' permanent status and provide the flexibility required for substitution requirements, then we can have both situations covered.

Perhaps, Mr. Chairman, we can have some material for us when next we meet in the way of . . .

MR. CHAIRMAN: Your concern then is for temporary substitution for that particular meeting. We'll try to draft something suitable to satisfy that. That concludes Item No. 4.

5. CLARIFICATION OF MEANING OF SUB-RULE 27(2)

MR. CHAIRMAN: Can we then move on to 5? That is the intent was just to seek a clarification there in the event that a motion for urgent debate is made by other than the official opposition caucus spokesman.

Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, based on the precedents which are outlined, I think the status of commentator has been provided to the representatives of what we call in our rules recognized political parties and, on that basis, I think the answer to Question No. 1 is yes, Question (a), to (b) is yes, and to (c) is no. That would follow with the two precedents established in March of 1973.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Mr. Chairman, I don't believe there is a disposition on the part of our side to tamper with the rules set out that recognize political groups and groupings, and that is implied, I think, in the suggestion in (c) that to adopt (c) would break that recognition. I have certainly no authorization from my caucus to do so, and I would tend to concur with the adoption of (a) and (b), and no to (c).

MR. CHAIRMAN: It doesn't address the question that if Mr. Graham wishes to make such a motion, not necessarily, or not on behalf of his caucus, and perhaps not authorized by his caucus, do you, Mr. Enns, as the official House Leader of the Opposition, also have five minutes to speak to that motion? The same on the other side if Mr. Anstett . . .

HON. A. ANSTETT: That question is not asked here. That question is only asked with respect, Mr. Chairman, in (a) of the government.

MR. CHAIRMAN: I'm asking a question.
Mr. Graham.

MR. H. GRAHAM: It's my contention that the Legislative Assembly belongs to all members of the Assembly, and I think we tend to differentiate between government

and opposition, between Cabinet and backbenchers, and it always caused me a bit of a problem. If a member rises on a matter of urgent public importance, or whatever, it's a grievance or it can be a matter of privilege, he is rising as an individual member, and I would think that the government and the opposition, and if there's a third recognized political party they should have a right to explain their position. The motion should be treated as one of an individual member, and don't try and identify him as being a government or an opposition or a third party.

HON. A. ANSTETT: That's what the rules say now.

MR. H. ENNS: That addresses your question, Mr. Chairman. The member speaks as an individual member, however, the privileges accorded to him under our rules, to speak for a period of time, and responses as set out by rules, that is set out by another rule that recognizes the groupings in the House and - I say this with some regret to my friend, Mr. Graham - is not granted unless we want to change that rule to independent members who have not a particular status in the House, not because they're private members, because they're not a recognized party.

HON. A. ANSTETT: Mr. Chairman, there is, and perhaps I'm not the person who should be saying this, but I say it outside of my role in one of the two positions in the House as a House Leader. I say it to clarify further what Mr. Enns is saying in response to Mr. Graham's comments. There is a special status accorded to the two House Leaders, and that status, with regard to the management of the House business and to reflect on order in the House in the following of our rules and forms of procedure, requires them, under Rule 27, to address the question of whether or not matters moved this way are in order, and that role falls primarily on the Government House Leader because the primary source of such motions is from official opposition members, or third party, or independent members. I think it is entirely appropriate, as was done in 1973, to call on the Opposition House Leader when such a motion comes from a government backbencher.

But the purpose of that commentary by the House Leaders, in those two situations, is related to the management of the House and whether or not the urgency exists, the rules have been followed, and they have some special responsibilities in that area to guard the time of the House and the rules of the House; and those responsibilities do not fall to the same degree, although I believe they fall on all members to respect the rules and time of the House; they do not fall to the same degree on those members.

So, for that reason, the two House Leaders have a role in this particular rule, although the rule does not identify them specifically, nor should it because they may not be there or they may not be the person who can more properly address it, but it has traditionally been the House Leaders, and I think that is the reason for the distinction.

The contribution of other members, whether they be independents, backbenchers, or Cabinet Ministers, or leaders on either side should be reserved not for addressing the question of the rules and the urgency

but rather for addressing the question of substance which is raised in the motion if the debate proceeds. I would not purport, nor would I think the Opposition House Leader, or any other member of this committee to restrict that right. But to suggest that a group of five independents, if there were five in the House, should each have a kick at the can, so to speak, on a matter of urgency and address the question of the rules and the time of the House when the primary responsibility for addressing those matters falls on the two House Leaders, I think would be inappropriate.

So there is the distinction here between the matter of substance and the matter of the rules and urgency. I think that should be maintained, and I thank Mr. Enns for his support on the questions of (a), (b) and (c) as I suggested.

MR. CHAIRMAN: That doesn't address the question that I raised to the committee about a backbench opposition member raising such a motion. Is he speaking for his party?

MR. H. GRAHAM: No, he is speaking as an individual and on the basis of that he is speaking as a member of the Assembly and not as a member of any political party.

MR. CHAIRMAN: How would I know that when you get up to speak because the normal way is for an opposition member to make the necessary motion and he is considered, I think, by everybody to be speaking for his party, the opposition, and it's replied to by a government member? How do I know whether you are speaking for yourself or for your party?

MR. H. GRAHAM: You have to assume that he is speaking for himself.

HON. A. ANSTETT: I don't think so, Mr. Chairman, with respect to Mr. Graham. I see the problem you have, Mr. Chairman, and let's look at the bottom line question, if I may, Mr. Graham, before I come back to your answer.

If an opposition caucus member, who sits as a member of that caucus and within the ranks of that caucus in the Chamber is, on moving a motion, doing so without the concurrence of his or her caucus, that would be an exceptional circumstance, first of all, and would be brought to the attention of the House by some means, probably by the member himself or herself, and the argument in favour of setting aside the business of the House and with respect to the rules is the argument that the member must make during the member's five minutes. That is the opportunity to make that argument, not to debate the issue but strictly to make that argument.

If that member were treated as an independent member, in the case of an independent, the Opposition House Leader, as well as the Government House Leader, each get five minutes to speak to the merits. If you were to allow Mr. Graham to speak for five minutes to the merits, a government spokesperson to speak for five minutes to the merits, and then allow Mr. Enns or another opposition spokesperson to speak a second time to the merits for five minutes, you would be setting

in an imbalance in the equation. If it was an independent, then you are not setting that imbalance. You are asking the two caucuses representing the official opposition and the government to have their spokespersons address the setting aside of the rules.

So I am suggesting that in the case of a government backbencher, and here is where the distinction obtains, a government backbencher is not a member of the Treasury Bench and the distinction between a government backbencher and an opposition backbencher, although a subtle one, is clearly a distinction in substance. That's the way our rules and our precedent have been followed, that where a government backbencher has moved the motion, both the Government House Leader - well, it wasn't the Government House Leader in this case - but a government Minister and the opposition critic or House leader, an opposition spokesperson, have spoken to the merits.

In the case on March 6th, the representative of the second or third recognized party, the third party, where an independent does so, both speak, both spokespersons of the two parties. Where an opposition member moves a motion, the opposition member is purported to speak for the opposition. Clearly an opposition member of any status can purport to speak for the opposition. A government backbencher cannot purport to speak officially for the government, only a government member of the Treasury Bench can do that, and that's the distinction.

I see where Mr. Graham is going and I recognize the import of Mr. Chairman's question in that regard, but I think current practice should continue to be followed.

MR. H. GRAHAM: Mr. Chairman, one of the problems that we have today, I think, is a tendency to firmly tie every member in the Assembly into a recognized political party. I go back, Mr. Chairman, to the days when we had 25 years of government in this province by consensus where, in essence, there were no recognized political parties. There were members of a political party that sat on both sides of the House. Some were on government, some were in opposition, and they were members of the same party. So you can understand maybe why the reason.

I think any matter of urgent public importance that is raised in the Assembly should be raised by a member who should be treated as an independent. He is an independent member of the Assembly when he raises a matter of urgent public importance and the only argument that can be put forward in five minutes is the argument put forward by the recognized political parties on whether it should be a matter of urgent public importance, or whether it should not be a matter of urgent public importance. That is the argument that the Speaker has to listen to, the argument put forward by the various political parties as to whether or not it should be a matter of urgent public importance.

I think he should have the right to listen to every recognized political party in the House. The matter was raised by an independent member. I assume that that member is not speaking for a party when he raises the matter of urgent public importance; he is speaking as an individual member.

HON. A. ANSTETT: Mr. Chairman, that's the nub of the disagreement I have with Mr. Graham then.

I believe that a member, who is a member of a caucus when he moves a motion in the House, does so with the complete concurrence of his caucus, if the member is a member of a caucus that is recognized either as official opposition or as a third party in the House when they move those motions.

I am not familiar with the circumstances under which Mr. Allard raised such a motion in March of '73, that I am not familiar with. I do believe that Mr. Allard left the government caucus shortly after that. Well, he is marked in our paper here as a New Democrat. I am not sure that he was a New Democrat at that time, I believe Mr. Allard was an independent before March of '73.

I believe, to be quite frank, that what we are doing is trying to accommodate a circumstance that I'm not sure has ever occurred even in this precedent that is noted here. Well, maybe this is not a rules problem, but a political problem we're trying to solve in advance, and that political problem being a government member moving a matter of urgent public importance without the concurrence of the government because that's the only time it would become a problem.

MR. H. GRAHAM: I think that's legitimate.

HON. A. ANSTETT: It may well be legitimate, but it's more of a political problem for the government than it is a problem for the Rules Committee. I think if we agree to answer the questions as Mr. Enns and I have agreed to answer them rather than raise more questions we can set aside the matter. But if we raise more questions, we're going to get into a dog's breakfast about the independents and the status that attaches to members of caucuses as opposed to independents who do not sit in caucuses of recognized parties. — (Interjection) — Yes, Mr. Enns refers to the Bracken era. I think of that same period in coalition and anti-coalition terms. We're not living in that era, and a lot of the rules then were different and accommodated different circumstances. If that era were to return, I'm sure some of our rules would have to be changed.

MR. CLERK: Mr. Chairman, this arose in part because of the one word in Line 3 of the rule in the centre of the line. The rule is stated right at the start of your paper, Mr. Chairman, if anybody wants to refer to the rule. It's right there at the top of Page 1, and in the third line: ". . . one member of each of the other parties," which presumably means other than the one to which the member proposing the motion belongs. But there are these other interpretations which indicate an answer "yes" to Paragraph (a).

HON. A. ANSTETT: Mr. Chairman, I believe Mr. Enns and I answered yes to (a), yes to (b), and no to (c). If that requires a modification in the rule, and I think the Clerk is suggesting that it does, then perhaps he could bring back a suggested wording at the next meeting.

MR. CLERK: Before I do that, Mr. Chairman, the obvious solution is to delete the word "other," but that then means if you do that the committee should recognize that means in that case another member of the party to which the member raising the matter

belongs, whether that member raising the matter is an opposition or a government member. If you just take out "other," it means that a spokesman for each party comments on the urgency of the matter, including a spokesman for the party to which the member raising the matter belongs, regardless of where that member sits.

MR. H. ENNS: Mr. Chairman, I see the point that my colleague is driving at, and I have no great concern about it. I would ask the Clerk to perhaps bring us back the two draft versions of "yes" to (a) and (b) and "no" to (c), and one recognizing the request that my colleague, the Member for Virden, deleting the word "other." I would certainly commit myself in taking it to my caucus and having a fuller discussion from our caucus on that question and bringing it back to this table.

It is a significant change which both the Government House Leader and I recognize, and the member that is proposing it recognizes it. Certainly, if my colleague feels that he would like it more widely discussed, I am prepared to do that.

HON. A. ANSTETT: Mr. Chairman, I believe there is another way of accomplishing the answers we have suggested to (a), (b) and (c) without creating the side effect noted by the Clerk by the removal of the word, "other." I believe Mr. Enns, in suggesting two different wordings, is making the same point, that there are two ways of doing it.

I would have, off the top, and I would want to discuss it with my caucus as well, some significant concerns that every time an opposition member with the complete concurrence of his or her caucus moved such a motion

MR. H. ENNS: We'd get two speakers.

HON. A. ANSTETT: . . . that the opposition would automatically get two speakers, and we would be entitled only to one.

MR. H. ENNS: I think that would be eminently fair.

HON. A. ANSTETT: I know that Mr. Enns feels that would be fair. I have some reservations about it. I think the Clerk can accomplish the incorporation of our answers to (a), (b) and (c) some other way than just removing the word "other," because that would have that other side effect on which we may not completely agree.

MR. H. ENNS: Let's see it again next time.

MR. CHAIRMAN: Okay, we will have another shot at it next meeting.
Item No. 6

HON. A. ANSTETT: Mr. Chairman, if I may

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: In the interim, I take it the current rule still precludes granting status to independents

under (c). We don't have to change the rule with regard to that.

MR. H. GRAHAM: That's all agreed, so we remove (c) regardless.

HON. A. ANSTETT: Right.

MR. H. GRAHAM: It is no longer an option.

MR. CHAIRMAN: They may raise it, but they may not speak five minutes to somebody else's. I don't think there is a problem there.

6. THE USE OF TV CAMERAS IN THE PRESS GALLERY

MR. CHAIRMAN: Item 6, if you recall a previous Rules Committee, I think in the House itself, agreed to have still cameras in the press gallery where it takes the place of normal press gallery journalists. I am told that there have been TV cameras taking the place of a still camera.

Mr. Fox.

MR. P. FOX: Mr. Chairman, we have agreed that the media would have access and that they would do whatever they were supposed to do. I think in the press gallery it should be their determination as to whether they want one camera, two cameras or whatever. We have no objection. We have agreed that TV cameras were to be, that all the media were to be treated equally. It was their decision just to use it at question period and some special occasions with permission of the Speaker because, if they encroached on the Assembly, that's what we wanted to make certain that it didn't create a disturbance or create a problem for the members of the Assembly.

In the press gallery, that's their area, and I think that they should adjudicate as to how many cameras or, if any, they want up there. I think that the Assembly itself shouldn't dictate how the press gallery is run, providing it's run with decorum and with no interference to the rest of the Assembly.

MR. H. ENNS: Mr. Chairman, I accept the comments from Mr. Fox. I do think that it really becomes more of a mechanical problem, having some knowledge of the space available in the press gallery and the space required by the more cumbersome mobile TV cameras. We have a Press Gallery Association. They, I believe, still elect an executive, and they quite rightly set their own rules in terms of conduct, seating arrangements that they choose to live with in the press gallery. I believe that having made the decision not to be concerned about photography of some kind, still photography as you related, Mr. Chairman, I am not prepared to be worried about any other kind of photography.

I do think though that the concern or the problem should be communicated to the executive or the press gallery, and have them deal with it.

MR. CHAIRMAN: It hasn't been brought to my notice, by the way.

MR. H. ENNS: I just say I know that, from time to time, those space allotments are somewhat jealously

guarded. At some particular times or when particular issues arise in the House where full attendance is there, that is accredited attendance, and they do have prescribed seating arrangements. Different members of the media are allocated that much space up there. Now if that becomes a problem to them because of a different technique of reporting on the events with a mobile television camera replacing two or three others, that's their discipline problem.

MR. H. GRAHAM: Well, Mr. Chairman, I have noticed TV cameras in the press gallery on several occasions. I think most of the concerns have been expressed by my colleague, but anytime I have noticed a TV camera in the press gallery, in order to operate that they have blocked the entrance to the press gallery. I have never seen a TV camera in the centre of the press gallery. It's always been just in the doorway, effectively blocking the entrance. If that is a concern of ours, I think it's more properly a concern of the press gallery.

HON. A. ANSTETT: I believe the reason for the concern Mr. Graham raised is because of the location of the monitoring and other assorted back-up equipment which is used by the television media which is in the west ante-chamber to the press gallery. I believe it's there because there are some old telephone booths in the east ante-chamber, and that's the only place where there was space. I don't know if it's possible for them to use the centre of the gallery.

With respect to the questions that are raised in the paper, Question (a) deciding whether or not the operation of television cameras in the press gallery will be permitted, I think the answer is provided in the 1979, April 4th report which agreed to accord the same privileges of access to the proceedings of the Legislature and subject to the same conditions regarding expenditures by the public as other members in the news media. I do not believe that report then restricted television cameras to the curtain apertures on the east and west side of the Speaker's Chair. I believe they have a right, as a result of that report having been concurred in, to the same access. In fact in some ways they now have better than the same access. We don't allow press gallery members to hide behind the curtain. They have to sit up in their seats in the actual gallery.

With regard to the second question, such operation if approved will be in addition to the main TV camera. We never said, only one camera. We did suggest that it would only work if they wanted to film from beside the Speaker's Chair between the curtains, that it only be one camera so that it did not unduly disrupt the operations of the House and not be too obvious. I think that was something worked out with the Speaker and Clerk of the day. Mr. Graham would be more familiar with that. I believe it was agreed to on that basis, basically one feed to a consortium. But that was all worked out by the press gallery.

So I believe that question is answered. We've never said that it could be only one camera. I don't know that we will allow another camera on the main level, and the Speaker may wish to object to that. But the consortium has worked it out so there would be only one. It allows entrance and egress from the Chamber

uninhibited for Mr. Speaker and the Clerk and Sergeant-at-Arms. So I think the fact that this is an additional camera doesn't violate that policy.

The question of (c) and (d), whether there should be a limit on the numbers or other restrictions, once again I agree with Mr. Enns. That's something for the press gallery executive to adjudicate in terms of how much space they have, and whether they'll allow even one camera up there.

And the main floor policy which was worked out, not by Rules Committee but through the Clerk's Office and Mr. Speaker's Office back in the spring of 1979, to flow from this general statement that they would have the same privilege of access as the other media would remain unchanged. So the press gallery then would be free to determine whether or not they would allow the camera up there, whether it was intruding on the space that was available to other members, and they would make that decision. I think the appropriate way of dealing with this would be for the Speaker or the Clerk to communicate the will of the committee to the gallery president in writing, advising them that they have that right to determine that use of the space, and would ask them to regulate the use of their space in accordance with the collective best interests of the members of the gallery.

MR. CHAIRMAN: The Member for Thompson.

MR. CHAIRMAN: Mr. Ashton.

MR. S. ASHTON: I think the approach that is being discussed is probably the best way of reaching a series of regulations in regard to this matter which would be satisfactory to all involved. I would hope that some consideration be given to safety factors by the press gallery.

My one concern about the use of cameras in the press gallery is, given the size of the equipment involved and the weight involved and the relatively high location of it and the very narrow corridors, I'm just afraid Mr. Speaker may have a cameraman and a camera falling on top of his head, injuring both the cameraman and Mr. Speaker if we're not careful. I actually raise that in all seriousness because I don't think that the press gallery is really designed for that purpose.

Now I'm not presuming to say that it couldn't be used under some circumstances or the regulations couldn't be developed which would overcome this concern, but I would hope the press gallery would consider that. I would hope that at some time we might further discuss the question of location of the existing camera, because I have heard complaints from various members that during question period they're not shown when they are speaking in their place, that the flag obstructs the view of the member. A number of Ministers actually have had that happen to them, a number of other members. So that concern is out there.

I think also there is just general concern about the type of coverage that we do get from the existing stationary camera. I think that's why we're getting the media using the gallery. They are trying to get a greater perspective shot showing the Legislature itself, rather than strictly the person who is speaking. So I would hope that there might be some further consideration

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on those grounds because I think the present policy is somewhat restrictive.

But just to my bottom line, I would hope there would be some consideration of the safety factor, perhaps even some reference to it, in our referral to the press gallery.

MR. H. ENNS: I think there is general concurrence that really it's a matter for the Press Gallery Association to regulate and I believe that they are so structured that they can regulate the matter.

I take this opportunity, partly in response to the Member for Thompson's comments, during a trip not so very long ago that I undertook with the Government House Leader, I can only be very thankful in the manner and way in which we've managed to introduce television coverage into our Chamber, as compared to what's happening in the Legislative Assemblies that we visited Alberta, Saskatchewan, where you have a really, in my judgment, obtrusive scaffolding setup in the middle of the chamber with three or four operators and cameramen prancing about on a plywood sheet to get that, perhaps, broader coverage from a pictorial point of view, but I would be very loath to recommend any changes to the manner and way in which television is introduced to our Chamber, with little or no disturbance to the decorum in the general carryings on of the proceedings.

MR. H. GRAHAM: Mr. Chairman, I think I would like to correct something that the Honourable Government House Leader may not have been aware of. I believe that the arrangement that was arrived at for a common feed from one camera in the Assembly was not one that was approved by the press gallery. It was one that was approved by the cable companies and the various television. I think it was an arrangement that was independent of the press gallery.

HON. A. ANSTETT: Mr. Chairman, I agree with Mr. Graham. I was aware of that because the television broadcast media representatives appeared before the Rules Committee, but these arrangements were done at our request and with the complete concurrence of the press gallery.

I believe members have, and I'm in complete agreement with Mr. Enns about his concerns, demonstrated complete agreement on the practice that should be followed.

I share Mr. Enns concerns, not only about obtrusiveness, but also about cost. The Saskatchewan and Alberta examples being two very expensive models. The federal model, where the operating cost alone approaches \$12 million a year, gives us some cause to want to get involved in this matter in any way. Perhaps Mr. Ashton's suggestion might be communicated in the best possible spirit to the gallery by including a copy of this transcript, and I'll add the suggestion that the gallery might want to consider a requirement that the camera person wear a seatbelt.

MR. CHAIRMAN: Is it then the wish of the Committee that the expression "still cameras" include television cameras.

HON. A. ANSTETT: And that that be communicated to the gallery.

MR. CHAIRMAN: I would so have a word with the President of the Press Gallery.

HON. A. ANSTETT: Mr. Chairman, if I may. I think it's a little more than just saying that, in addition to still cameras, we include television cameras for the gallery space. I think the communication should acknowledge that this may create demands upon the space, and that we expect the gallery to regulate that, so that we're clearly authorizing them to regulate how that space is used, because still cameras don't have the same size, cables and other problems that television cameras do. I think we should, beyond just endorsing the use of them, we should ask them to ensure that they're properly regulated and that they control their space.

MR. H. GRAHAM: Mr. Chairman, I just wondered whether we wanted to even differentiate between still and television cameras in the press gallery; let the press gallery make that distinction.

MR. H. ENNS: Well, I think that's what we're all saying.

HON. A. ANSTETT: I agree with Mr. Graham. I make the distinction only insofar as I want the press gallery to know that they have that power to regulate, whereas right now, our statement with regard to still cameras authorizes any member of the gallery to go in there and use the still cameras and they don't have to ask permission of the gallery executive to do that. I think the gallery executive should have some power to control television cameras. It could end up, during a Throne Speech or Budget Debate, with three or four cameras up there and camera persons and pushing out legitimate scribes.

MR. CHAIRMAN: I think there is an allocated space to each member of the press gallery and if they wish to use a camera, instead of the person sitting there writing notes, that's up to them. We can't make any more space for them, they have to use the allocated space for each individual.

HON. A. ANSTETT: My concern, Mr. Chairman, is that a cameraman, and a reporter and a camera, take up more than an allocated space.

7. OTHER BUSINESS

MR. CHAIRMAN: If there is nothing further on Item 6, can we move to Item 7, Other Business. Is there any other business?

HON. A. ANSTETT: Not from this side, Mr. Chairman.

8. TIME AND DATE OF NEXT MEETING

MR. CHAIRMAN: If there is none, can we move to Item 8, the Date and Time of the Next Meeting.
Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I will be consulting with the Opposition House Leader with regard to a

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number of Standing Committee meetings which have to consider annual reports and we will be scheduling some of those meetings. It would be my hope that we could schedule a further meeting of the Rules Committee at the same time, but I would prefer not to set the date now so that we can avoid conflicts.

HON. A. ANSTETT: Yes.

MR. CHAIRMAN: Thank you. There being nothing else to come before the committee.

Committee rise.

MR. CHAIRMAN: Will you so advise of a suitable date?

COMMITTEE ROSE AT: 11.53 a.m.