



**First Session — Thirty-Third Legislature**  
of the  
**Legislative Assembly of Manitoba**

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**STANDING COMMITTEE**

on

**RULES OF THE HOUSE**

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35 Elizabeth II

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*Chairperson*  
*Ms. Myrna Phillips*  
*Constituency of Wolseley*



MG-8048

**VOL. XXXIV No. 1 - 8:00 p.m., MONDAY, 11 AUGUST, 1986.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Third Legislature**

**Members, Constituencies and Political Affiliation**

NAME	CONSTITUENCY	PARTY
ASHTON, Steve	Thompson	NDP
BAKER, Clarence	Lac du Bonnet	NDP
BIRT, Charles T.	Fort Garry	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARSTAIRS, Sharon	River Heights	LIBERAL
CONNERY, Edward J.	Portage la Prairie	PC
COWAN, Hon. Jay	Churchill	NDP
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DERKACH, Len	Roblin-Russell	PC
DESJARDINS, Hon. Laurent L.	St. Boniface	NDP
DOER, Hon. Gary	Concordia	NDP
DOLIN, Marty	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
DUCHARME, Gerry	Riel	PC
ENNS, Harry J.	Lakeside	PC
ERNST, Jim	Charleswood	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
FILMON, Gary	Tuxedo	PC
FINDLAY, Glen M.	Virten	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Hon. Harry M.	The Pas	NDP
HARAPIAK, Hon. Leonard E.	Swan River	NDP
HARPER, Hon. Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Hon. Gérard	Radisson	NDP
MACKLING, Q.C., Hon. Al	St. James	NDP
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton	Morris	PC
MCCRAE, James C.	Brandon West	PC
MERCIER, Q.C., G.M.J. (Gerry)	St. Norbert	PC
MITCHELSON, Bonnie	River East	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte L.	Gladstone	PC
ORCHARD, Donald W.	Pembina	PC
PANKRATZ, Helmut	La Verendrye	PC
PARASIUK, Wilson	Transcona	NDP
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Hon. Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
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ROCH, Gilles (Gil)	Springfield	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Q.C., Hon. Victor	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SMITH, Harvey	Ellice	NDP
SMITH, Hon. Muriel	Osborne	NDP
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
WALDING, D. James	St. Vital	NDP
WASYLYCIA-LEIS, Hon. Judy	St. Johns	NDP

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

**Monday, 11 August, 1986**

**TIME — 8:00 p.m.**

**LOCATION — Winnipeg, Manitoba**

**CHAIRMAN — Hon. Ms. M. Phillips (Wolseley)**

**ATTENDANCE — QUORUM - 5**

*Members of the Committee present:*

Hon. Messrs. Cowan, Harapiak (The Pas),  
Harper, Hon. Ms. Phillips, Hon. Mrs. Smith  
(Osborne).

Messrs. Ashton, Enns, Kovnats and Mercier.

**APPEARING:** Mr. W.H. Remnant, Clerk of the House

**MATTERS UNDER DISCUSSION:**

Proposed Rule Amendments.

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**MR. A. KOVNATS:** Excuse me, Madam Chairman. Is there anything I'm going to have to read?

**MADAM CHAIRMAN:** Well, I presume that's up to your own discretion.

**MR. A. KOVNATS:** J'ai oublié mes lunettes, Madam Chairman. Excusez-moi for one moment.

**MADAM CHAIRMAN:** Certainment.

There was a package, I understand, distributed this afternoon to all committee members. We have extra copies available.

**MR. CLERK, W. Remnant:** Does anybody not have a copy?

**MADAM CHAIRMAN:** Pardon? — (Interjection) — It's certainly on a future agenda. We have to do the whole

...  
How does the committee want to proceed? The package was distributed to committee members. Did you want to go through it step-by-step, or did you want to have a general discussion?

Mr. Cowan.

**HON. J. COWAN:** Perhaps, I can just make an opening comment, and then we can go through in as much detail as required.

These proposed amendments to the rules, orders and forms of the proceedings of the Legislative Assembly of Manitoba which are before us now are the result of ongoing discussions between Opposition members and government members for quite some time now. We felt that there were certain areas of the rules that could be changed to enable us to provide,

I believe, better service to our constituents and, at the same time, ensure that the work of the House when in Session was being done efficiently and effectively.

They are based, I think, on a great deal of experience of members during the past number of years. Some of them change very longstanding rules. Others change rules that are more recent. But I think the package overall has been designed, and I believe does provide for a more effective use of our time, an acknowledgement that the role of MLA's is changing, and a system of rules in the House that will allow the work to be undertaken in such a way as to deal with problems that we had perceived as being emerging or having been in effect for some time.

I can tell you that the package as a whole, I believe, has the support of both caucuses and the Member for River Heights. It is the result of a great deal of cooperation and consultation. I think it represents a fair balance between the needs of Opposition to effectively oppose and provide constructive suggestions and criticisms and the need of government to effectively govern and respond to Opposition criticism and Opposition suggestions.

It would be intended that the rules would come to effect either as outlined in the package itself, some coming into effect next Session, or those which would come into effect this Session would come into effect when the Rules Committee had received and approved this report. We would not be proceeding this session. Maybe I can just run through the detail quickly and identify what we would be proceeding with and what we would not. Area A would take place next session - I'm sorry . . .

**MR. CLERK:** Segment A is media?, Madam Chairperson.

**HON. J. COWAN:** I thought we had removed that, I'm sorry. Area A was intended for . . .

**MR. CLERK:** It's a change of adjournment hour; is what it's there for.

**HON. J. COWAN:** What's it do with the Thursday evening?

**MR. CLERK:** Just 6:00 instead of 5:30.

**MADAM CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** Madam Chairman, my understanding was that this would had been included if we had proceeded with these rule changes some time ago but in view of the progress that has been made in the House, at least with my discussion with the Government House Leader, at the end of last week we decided not to go ahead with A.

**HON. J. COWAN:** These will be deleted from the . . . they would not have it. We will amend the Rules package

here and delete all of Section A. Is that agreed? They were based on some earlier discussions and when we removed part of the package I guess this part was not removed.

B is for the next session and basically what is contemplated here is the House starting at 1:30 on Mondays, Tuesdays, Wednesdays and Thursdays, the House ending at 6:00 on Tuesdays, Wednesdays and Thursdays and at 10:00 or thereafter on Mondays. We would have only then the Monday evening sitting next session from 8:00 to 10:00 with the same provision for extending beyond 10:00 that now exists. The change in the hours is to make certain that we are sitting the same number of hours next session without the evenings as we are sitting this session with the evenings; so there is no reduction in hours, there's only a shifting of them. The Friday sitting will start at 10:00 a.m. and end at 12:30 p.m. as is the case now. The 3, 4 and 5 just sets out the adjournments and makes provision for the fact that we won't be sitting on Tuesdays and Thursdays as we now do.

Do we want to discuss these, Gerry as we go piece by piece, or do you want to go through all of them and then . . .

**MR. G. MERCIER:** Let's go through the whole thing and maybe if we can adopt the end maybe some discussion . . . may be able to adopt the reports of whole.

**HON. J. COWAN:** The main purpose of this is to make the hours of the House I think better suited to the demands on MLA's to be in their constituency at events in the evening and as well to allow MLA's some time with their families. As we have more and more MLA's with younger families in the Legislature, it enables them to spend a bit more time if they want with their families in the evening.

No. 3 is a change in the time limit on division bills. As you are aware, the time limit is now 15 minutes and a deferral of actually the bells would ring for 24 hours upon a decision by the Speaker at the consultation with the government and the official opposition whip. It is found that one hour would probably be a more appropriate length of time to allow members who are not within the building itself, but in close vicinity, to come to the building and that a 72-hour deferral would be appropriate to allow members that perhaps are some distance from the building enough time to travel to the building.

The deferral would not necessarily mean that the bells would ring, but as the rule sets out, the Speaker may direct that division be deferred to a specific time set by the Speaker and that would be for the purpose of permitting absent members to come back to the Legislature within a reasonable length of time and it may be deferred up to 72 hours. Once a new time is set, it will not be altered. There should be no further deferral and it would not exceed 72 hours.

The business of the House, when a division is deferred, would continue. The bells would not be ringing but there would be a time set aside for a vote during which time the bells would not ring and when the time was therefore set and came about, the vote would take place. The vote, in compulsory, is just a continuation

of what's in the Rules. Now in reporting of the Yeas and Nays is a continuation of what's in the Rules at the present time.

**MADAM CHAIRMAN:** May I ask a question on that for clarification?

Once the bells start ringing and the two whips ask for an extension, or an extension is granted and the decision to defer the vote is made and at that time set, once the bells are ringing, how is that conveyed back to the House if the members have dispersed while the bells are ringing?

**HON. J. COWAN:** I would suggest that the Speaker would make an announcement of her decision and that it would be up to the caucus whips, as is the case, to notify the members of the time set for the vote.

**MADAM CHAIRMAN:** The Member for St. Vital.

**MR. J. WALDING:** Madam Chairman, this item 6. having to do with the House continuing its business during the time that a division is in force, in the course I can see that causing no end of problems in the future. One that immediately comes to mind is the decision to adjourn the House. Whether or not it would adjourn depends on whether the House in fact continues with its usual business. Until that is decided, how can you decide to continue with the usual business of the House?

There may well be many other things and perhaps a bit of thought would call some to mind that the vote itself could affect whether or not the House continues on its particular course of business that its on. So until that vote is taken, it could cause serious problems in the future.

**HON. J. COWAN:** I appreciate that some members have not had a lot of opportunity to give detailed thought to the provisions that are provided for, but I would hope I would set the Member for St. Vital's mind at ease by indicating that this is pretty much a repetition of what takes place in the House of Commons and they have not run into those sorts of problems in their operation. The procedure which is outlined here is a tested procedure and one which that parliament has found to be functional and helpful to the overall process.

**MR. J. WALDING:** Madam Chairman, I appreciate what the Minister says and perhaps he's more familiar with that than I am, but what about the particular instance where it is a motion to adjourn? How can you continue with the debate in the House until that decision has been taken?

**MR. CLERK:** If it's agreed between House Leaders to set it aside, you continue with the business I would suggest and, if the hour of adjournment arrives before that time has expired, then, since the motion was to adjourn the proceedings of Day X, I guess the motion then becomes redundant I would suggest. Now the decision to defer the vote on that motion has been arrived at as a consequence of consultation between Whips.

**MR. J. WALDING:** I realize what you're saying and that could well happen, but if you read 6. it says: The House

shall continue with the business before it. How can it in fact continue the business when there is a motion to adjourn.

**MR. CLERK:** If there is no agreement to defer - I would suggest on an adjournment motion, I would be surprised if there would be an agreement to defer, because it defeats the whole purpose of the thing.

**MR. J. WALDING:** The sub rule says: When a division is deferred pursuant to sub rule 4. So the deferment has occurred, the House shall continue with the business before it.

**MADAM CHAIRMAN:** The Government House Leader.

**HON. J. COWAN:** . . . if the member wants to set up a whole set of hypothetical cases he can and they can be answered in hypothetical ways. I would suggest if it was a motion to adjourn, the Speaker - and the purpose was to allow members within a reasonable distance to travel to the building - in fact would take that into consideration when setting the time for the vote. This has not been a problem in other jurisdictions and I don't think as long as it is logically applied and I think that can be said with any rule would be a problem in this particular jurisdiction. If in fact it appears to be a problem, after a period of time, one could consider how one might amend it. But I don't think that would be required quite frankly. I think that common sense and good will would allow for this particular provision to work in this House in the same way that it has worked in other houses. It is not unique.

**MR. J. WALDING:** Madam Chairman, those rules of common sense and reasonableness remind me of a former matter before the Rules Committee having to do with the ringing of the bells. When the Rules Committee discussed whether there should in fact be a limit on the rules, the ringing of the bells, as had happened in Ottawa so that we would in fact prevent that from happening. The general reaction from both sides of the table at that side was, well, we don't do that sort of thing here. We're very reasonable; we're logical; there's absolutely no need for that. That's exactly what I'm hearing now and I'm very much afraid that we are causing the potential for a lot of problems in the future if we put this on the book.

The motion to adjourn is just one item that comes quickly to mind. There may well be other votes that the House will hold, procedural motions, I suppose mostly, that will have to do with a debate continuing pursuant to the vote that is being called. I can see this particular sub-rule causing great problems to some future House and some future Speaker. I would suggest, before it's adopted, that further thought is given to the matter.

**MADAM CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** Madam Chairman, just for the record, the previous administration brought in the existing rule, as a result of what they saw as a problem with unlimited bell ringing. Just for the record, the position of the official opposition is that we have never

felt that unlimited bell ringing was a problem. When it was used, it was used justifiably.

The government has now proposed to amend the existing rule which they brought in approximately two years ago, which we never supported, and wish to extend the 15 minutes to one hour, and the 24 hours to 72 hours.

The preference of the opposition would simply be to allow unlimited bell ringing, which we do not feel has ever been abused, but the proposal is that of the government and we've acceded to it. There may very well be problems that the Member for St. Vital has proposed. I suppose we'll have to live with it until we can perhaps return to the previous situation.

**MADAM CHAIRMAN:** May I suggest the wording in 3(4) says, "After consultation," which doesn't mean to say agreement as someone mentioned, and it also says the Speaker "may direct." It leaves the discretion in certain cases, if it was a motion like adjournment, it would be conceivable that one would say it would be difficult to continue the business by granting an extension. So it is left, after consultation, with discretion to the Speaker to determine whether an extension or a deferment was granted, just as it is in our former rule (4). It really ends up being a difference in the time frame.

The Member for St. Vital.

**MR. J. WALDING:** Madam Chairman, that's not the point I'm making. I realize what you say would be the case and the Speaker would take into account, if it were a motion to adjourn, when the adjournment hour would be. If you read (6) at the bottom of the page, it says; "When a division is deferred," in other words when the Speaker has made that decision that it can be deferred up to 72 hours, ". . . the House shall continue with the business before it," but the vote in fact might affect or have to do with what the House is considering, and for the vote to go one way or the other way might affect the business of the House that is before them at the time the division is called. So I'm saying it's asking for trouble to say that you can continue to do that when you're having a vote to consider whether or not you shall conduct the business of the House in that particular form.

**MADAM CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** Thank you, Madam Chairman. I wonder if the situation could be resolved if the word "shall" were changed to "may" so that in the instance that the Member for St. Vital raises, where he doesn't deem it suitable that the business of the House could continue with certain questions not resolved, that the House . . .

**MR. H. ENNS:** If the vote interferes with the business to be carried on.

**MR. G. MERCIER:** The House could decide whether they wish to continue with the business before it. Just make it "may."

**MADAM CHAIRMAN:** The Honourable Government House Leader.

**HON. J. COWAN:** The question then is how does the House decide? In this instance, I think that rules, like any other mechanisms that are designed to control situations, must be designed on the basis of good faith. Certainly there are times when that good faith breaks down and one has to deal with those situations at that time. I'm perfectly prepared to accept the advice that we review how this works and if it is not working as was anticipated, that we bring it back to the Rules Committee for further consideration.

I would like to see an easy compromise as well, but I think when you start to talk about "may," you then beg the question as to how the House determines. Then is it the Speaker that determines whether or not it shall or will continue with its business? Then you have to deal with that particular question. That gives latitude to the Speaker to, at that point, say, well, the bells shall ring until such a period of time and a vote will be taken at that time. The Speaker has that latitude already. The Speaker can say that the vote won't be deferred, that it will be taken right at the present time, or it will be deferred until the normal hour of adjournment.

There are all sorts of ways that a Speaker can deal with the problems as identified, or the potential problems as suggested might exist by the Member for St. Vital. All I can tell you is that this rule has been used in other jurisdictions and appears to be working. If, in our own jurisdiction, we find that it needs refinement at a later date, I think we can sit down in the same way in which we developed these changes, and bring about that refinement.

**MADAM CHAIRMAN:** Any other comments? Shall we move along to 4, then?

**HON. J. COWAN:** 4 just sets out the order of business, order after routine business and private members' business, changing the hours. Private members' hour will be now from five o'clock to six o'clock. It incorporates the changes which were tried on a trial basis this year, considering the Friday afternoon private members' hour. On Friday, there's no private members' hour.

5: 5 really relates to a time limit regarding the Committee of Supply consideration of the Estimates, so perhaps what we should do is come back to 5. after we've done the others. Am I reading that correctly? Item 8., 9., 10., 11.

**MR. CLERK:** Item 8. is the time on it.

**HON. J. COWAN:** Yes, and this applies to the time, the trans . . .

**MR. CLERK:** You're talking about number . . .

**HON. J. COWAN:** 5.

**MR. CLERK:** All that 5. does . . .

**HON. J. COWAN:** Let's go through the others and then come back, if that's all right, Jerry.

**MADAM CHAIRPERSON:** 6.

**HON. J. COWAN:** This again relates to that process. 7. does not. 7. is a constitutional amendment motion and perhaps the Member for St. Norbert would like to introduce that, he having had a large part in its development earlier on in its inclusion in the Rules at this time.

**MADAM CHAIRPERSON:** The Member for St. Norbert.

**MR. G. MERCIER:** Madam Chairman, you may recall the debate which took place with respect to this matter for a number of days during the last Session of the House with respect to an amendment that I proposed which now is substantially contained in Paragraph (2), that prior to the sixth day of debate on such a motion, that motions shall be referred to a Committee of the House to receive submissions from the general public and to report back to the House.

The Government House Leader and I have now agreed to recommend the whole motion, including the requirement for public hearings on constitutional amendments and the balance of the clauses are those that were approved by the previous Rules Committee and submitted to the House.

**MADAM CHAIRMAN:** No. 8.

**HON. J. COWAN:** No. 8. calls into effect a new rule for time limits for the consideration of Ways and Means and Supply Resolutions respecting Main Interim Capital and Supplementary Estimates and for the consideration in the Committee of the Whole, the relevant Supply Bills, the time limit will be 240 hours. That is based pretty much on the average amount of time that it's taken to consider those estimates over the past number of years.

It is larger than some of the other jurisdictions that have time limits and less hours than Ontario and, I believe, Quebec, although Quebec has a somewhat different system so it's hard to compare directly.

The 240 hours time limit would allow for debate to take place within that period of time on the Estimates and the consideration in the Committee of Whole.

Part (2), the Clerk would calculate the hours remaining for consideration of all those matters identified in sub-rule (1). When it came to the end of the 240 hours, all the items that had not been considered prior to the expiry of the time limit would be dealt with forthwith, all the questions necessary to dispose of all remaining matters and such questions would not be subject to debate, amendment or adjournment, would be put forward and passed. That is a practice that takes place in other jurisdictions where time limits of this sort exist, with the exception that the time limit prescribed by the sub-rule (1), the 240 hours, does not apply to consideration of the concurrence motion, which takes us back to the earlier section, No. 5.

The concurrence motion, which would be a motion in the Committee of Supply - and we'll get to that in a minute - would have unlimited time. The Committee of Supply could, as it does now, sit in two separate sections. The sequence in which the Estimates of the various government departments are to be considered will be changed. The way it is now, the Official Opposition indicate which three Estimates they would



like to have in the committee room outside the House, the government indicates which three they would like to have inside the Chamber and then we keep adding, one at a time, as we complete one.

What this calls for is a change where the Opposition House Leader would, in consultation with his caucus, determine what would be considered first in both the committee room and the Chamber. The Government House Leader would then indicate what would be considered second, the Opposition House Leader third and fourth, and it would proceed in an alternating fashion like that until all the Estimates had been scheduled.

Once the sequence for Estimates consideration is established, the sequence may be changed by a substantive motion, with required notice given or by unanimous consent.

**MADAM CHAIRMAN:** I understand that there's a step in between (1) and (2).

**HON. J. COWAN:** Yes, between (1) and (2), once the Opposition House Leader and Government House Leader had completed all the review of the entire sequence, the Government House Leader would table in the House a written statement of that sequence, which would then put the sequence in possession of the House and the House could then change the sequence by a substantive motion.

**MADAM CHAIRMAN:** So you're proposing another (6.2) and changing this to (6.3)?

**HON. J. COWAN:** Let me just do a quick check.

**MADAM CHAIRMAN:** The Member for Lakeside.

**MR. H. ENNS:** Madam Chairman, I have a question about the substantive motion that the Government House Leader talks about, after the sequence has been established by both House Leaders.

That tells me that this is to be a substantive motion in the House, that will be the procedure of consideration of Estimates?

**HON. J. COWAN:** The Estimates would be tabled. The decisions made by the Opposition and the Government House Leader would be tabled and could only be changed by substantive motion.

I think we might want to consider whether or not we need consent on that.

**MR. J. WALDING:** On a point of order, Madam Chairman, I wonder if you'd clarify the rule on smoking in committee.

**HON. J. COWAN:** Leave.

**MADAM CHAIRMAN:** It is the consensus of the committee that we have leave to smoke.

**MR. J. WALDING:** If it's a matter of leave, then go ahead.

**MADAM CHAIRMAN:** The Member for Lakeside.

**MR. H. ENNS:** Just allow me a comment or two. When one stays around these places long enough, some things at least come back to where we were.

I entered this business with very specific time restraints on the consideration of Estimates. In fact, they were much more stringent than they are now being proposed. Sixty hours was the time limit for all consideration of Estimates when I entered the House and the last years, 1969-70, when we still had time restraints on the consideration of Estimates, we bumped that up to 90 hours. We then made a substantive rule change which did away with concurrence motions and unlimited time on Estimates.

I take no objection to the proposal of limitation of 240 hours. I apologize to my own House Leader. I don't totally understand if that substantive motion that the Government House Leader spoke about, following agreement of the order of the consideration of the Estimates, that that then is kind of a set piece and we have to then decide, you know, how much time we will allocate to the Estimates in order to comply with a substantive motion in getting that order as laid out in the substantive motion complied with. I would like to think that my understanding of the limitation is, if for instance the Opposition decided to spend a great deal of time on two or three Estimates and forego the opportunity of completing the agreed-to list, that flexibility would remain. I'm troubled just a little bit by the introduction of the idea of a substantive motion which then is a House, you know, direction that says we must do things in a certain order. Do I make myself plain to the House Leader?

**MADAM CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** Well, Madam Chairman, let me say first of all that this is a very significant rule change. For the record, I want the former Member for Morris, former Opposition House Leader and Government House Leader at one time, Mr. Jorgenson, to know that the time limitation on Estimates that has been agreed to here has been done on the basis that the Opposition still has a concurrence motion because from the point of view of our caucus and myself, it's extremely important to us and to any future Opposition party that we don't get into the situation that Oppositions previously did which led to the change in the rules under which we now govern our proceedings with a limitation on question period and no limitation on the Estimates because as I understand it, at that time, there were often times abuse by Ministers and government members in dealing with the Estimates and simply filling in time, making long answers, and using up the short allotted time. But with this limitation of 240 hours, which I think is a reasonable limitation, because the Government House Leader and I have agreed, and it's been carried on to a certain extent to date already, that it is much more expedient if Ministers will supply more information to the Opposition Critic prior to the start of the Estimates. In that way, much of the time that has been spent in Estimates in obtaining detailed information can be given prior to the start of the Estimates and the Estimates can deal more with the policies and the management of the department than on simply obtaining detailed information so that given

that there is that work done beforehand by both the Opposition Critic and by the Minister, the time spent on Estimates can be reduced significantly so that the time of the Committee is spent on more important matters.

At the same time, there existed in our mind, if we simply agreed to a limitation on hours, that the same situation could result that had in the past that government ministers and government members could in effect filibuster their own departments and take away the time from the Opposition that they wanted to use on consideration of the departmental Estimates. So by including in this limitation of time, of 240 hours, which is a very significant amount of time compared to many other legislatures. If one examines the hours spent on Estimates in other provinces, this is in many cases, you know, in some cases still four or five times the amount allowed in other areas.

But the Opposition retains with the concurrence motion the hammer that any Opposition needs because there will always be the threat to the government, whoever they may be, that if government ministers or government members are going to attempt to monopolize or use too much time during the consideration of the Estimates, that the Opposition is going to use the concurrence motion which will be in full Committee of Supply and there's unlimited time on the concurrence motion. Ideally, certainly we would, as a present Opposition, establish a schedule for probably consideration of all of the departments and allot the appropriate time. From year to year, of course, the emphasis will be on one department as compared to another and will change from time to time.

But I would expect any opposition can reasonably cover the Estimates of all of the departments in 240 hours and it will only be in cases where there is felt there is some abuse of the time by government ministers or members that the concurrence motion would be used. It could also be, certainly if an issue arises at the end of a session that perhaps was not fully considered or was not available at the time of the departmental Estimates to be used, that concurrence motion could be used to debate such a matter at that time.

The other advantage to the Opposition in dealing with the Estimates in this time limitation is that the Opposition will select the first two departments in the House and in the Committee. Then the government will select two, one of each, and then the Opposition will select one of each. So in fact in a sense it's almost better for the Opposition because as it is now, the government selects the departments in the House and then the Opposition selects the order of the remaining departments in the Committee so that the government could, for example now by selecting, perhaps if they want to avoid discussion of a department, they can make it the last in the House and put it off until the end and the Opposition would have no say. But under this kind of a rotation schedule, the Opposition could select that department first. I may be talking the Government House Leader out of the proposal Madam Chairman, but I have to point out that it is more advantageous to the Opposition and it should be.

**MADAM CHAIRMAN:** May I suggest that in Number 6(2) that is listed here . . .

**MR. G. MERCIER:** I was going to get to that, Madam Chairman.

**MADAM CHAIRMAN:** Oh I see. I just wanted to clarify for the Member for Lakeside that we were only talking about a change to the sequence once it's agreed to.

**MR. G. MERCIER:** I do not have much of a problem with that, with a substantive motion. The experience, ever since I've been in the House frankly, in government and in Opposition, has been that if a schedule has been adopted but because of the time that's been taken, the Minister for example, has to be away at a federal-provincial meeting of ministers or whatever, there's always been cooperation in changing that in the same way if the Opposition Critic, for example is ill or has other duties to attend to, there's always been unanimous, in my experience, consent to changing the sequence for those reasons. Maybe the Member for Lakeside can recall an instance where there's been no agreement, but I can't remember. What it also does, if it's a substantive motion, it's debatable, certainly it gives the Opposition another little hammer if things aren't going right.

**MADAM CHAIRMAN:** On that, the Member for Lakeside.

**MR. H. ENNS:** Madam Chairman, I don't want to prolong the discussion on that. I just want to concur with the last words of my House Leader. This has always worked completely satisfactorily, certainly in the years that we've been operating this way, without the necessity of a substantive motion. That's the only point that I'm making.

**MADAM CHAIRMAN:** The Member for St. Vital.

**MR. J. WALDING:** Further to the point about the limit on the time of Estimates, Madam Chairman, I can, like the Member for Lakeside, recall when there was a limit. In my time, it started at, I think, 90 hours and went up to 120 and 150 or something. It presented difficulties. There was a straight time limit. There was an allocation of equal time to different departments, because that caused a problem. Finally, the rather revolutionary suggestion was put forward that there be no time limit at all. That was the time that we went to concurrent committees, so that it could be dealt with presumably twice as fast.

But there was a proviso. The Government of the Day was very concerned that, with no time limit, it could be used for filibustering purposes and simply discussion ad infinitum with no way of cutting that down. So at the same time that unlimited time was brought in, there was a separate Rule 65(14) for the previous question, which indicated - and it's been used, I think, by both parties in the House. When there was a discussion going on that was thought to be wasting the time of the members, the previous question was moved in order to do that. But those two things were linked very closely together and were brought in at the same time.

Since that is now being reversed - we're going back to a fixed time - there would then seem to be no need for a motion for a rule for the previous question. I don't



see anything in here that would delete 65(14) from our Rule Book. I wonder if that has been considered.

**MADAM SPEAKER:** The Honourable Government House Leader.

**HON. J. COWAN:** A couple points, I was pleased to hear the comments of the Member for St. Norbert, the Opposition House Leader, extolling the virtues of this particular change. I think we could put on the record as well why we believe this particular change is quite positive for the government. I believe that, when you put both of those arguments side by side, what you find is that this change is quite positive for the workings of the House.

When we entered into the discussions, we agreed that we would like to come up with a package that was, to use the nomenclature that's used in negotiations, a win-win situation where both parties thought that the benefits of the discussions were going to accrue to both parties. As the Opposition House Leader indicated, as a result of those discussions in shaping the package, he believes he has a package which will help Opposition better critique the government. I can tell you that, on the other hand, the government having watched Estimates extend sometimes anywhere from less than 200 hours to over 350 hours, believe that they have set in place a process that will enable them to better plan the Session. Better planning of the Session will mean a more effective use of government and Opposition members' time.

So we think that, given that, given the limitation, the way in which the limitation is structured and even the concurrence motion which ensure that both parties are going to cooperate with each other when there may be some tensions of dynamics that would tend to lead them away from cooperation, they have this, to quote the Opposition House Leader, "hammer" that enables them to deal effectively with each others' concerns.

When setting up this particular process, we were changing the balance of power in the House in a lot of ways. In order to do that, you had to restructure a new balance. We believe that the concurrence motion provides for a balance on behalf of the Opposition. The 240 hours provides for a balance on behalf of the government. The way in which the concurrence motion is structured gives the government a bit of a whip on that as well. So what it does is create a dynamic or tension that enables us to work even better together, to plan better together and to fulfill our respective responsibilities, one of official Opposition and one of the government.

So I'm very pleased that we've been able to shape an overall package that meets both of our needs, and we both can walk away from it winners in our own eyes and each others' eyes and, I hope, in the eyes of the general public, who will see a more effective use of House time because of this particular arrangement.

I agree with the Member for St. Norbert that cooperation has been, in large part, a trademark of different House Leaders in trying to get the business of the House through in an effective way, and think that would continue and, for that reason, suggested 6(2) is probably the appropriate way in which to proceed.

I would ask him if, in respect to the tabling of the Estimates, he's in agreement with the draft that is

handwritten there which calls for, "after the consideration and the agreement to the sequence of the Estimates, it would be tabled with the House." We'll have that included in the redrafting of the rules.

**MADAM CHAIRMAN:** So that would be 6(2), and this would be changed to 6(3).

**HON. J. COWAN:** Agreed.

In respect to the Member for St. Vital's comments, he will also recall that, at the time when there was a limit on the number of Estimates hours, there was also an unlimited question period. There was also a concurrence motion on the reporting of each of the departmental Estimates to the House. So when that change was made at that time, those things were taken into consideration. I think that we have - at least, I know in looking at the changes, we've reviewed other changes that might be made, and it was determined that no other changes outside of the reintroduction of an overall concurrence motion need be made at this particular time. I think we have struck a nice balance that will serve the public as much as it serves both the Opposition and the government, but appreciate those comments on his part.

**MADAM CHAIRMAN:** Is there any other discussion on Item No. 10?

Item No. 11 then.

**HON. J. COWAN:** Item No. 11 allows the committee to sit after 10:00 p.m. on Monday evenings now only, is very much the same as the present provisions for the committee to sit after ten o'clock.

**MADAM CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** Just to put on the record, Madam Chairman, because maybe some three or four or five or six years from now some other committee and other Government House Leaders and Opposition House Leaders may be meeting to discuss the same matters. I just want to put on the table the reservation that our caucus has with respect to going to sitting only one evening per week.

It's a matter of discussion and of compromise, and we're prepared to try it. But it was a concern in our caucus about going from three evenings to one evening, and some concern that perhaps we could try two evenings at this time. This is what was agreed to and we're prepared to support it, but simply for perhaps some time in the future if the matter is reviewed again, I simply wanted the record to show a concern on the part of our caucus with regard to this particular item.

**MADAM CHAIRMAN:** Item No. 12.

**HON. J. COWAN:** Item No. 12 again is very similar to what we have in place now, except it references the concurrence motion. The concurrence motion is structured so that when we go into discussion of the concurrence motion, at the end of the entire Estimates process, we can go into speed-up automatically without a speed-up motion being required. Speed-up will apply, in that instance, without the normal notice and the normal debate on the motion.

I hope, quite frankly, that we never have to use speed-up again in this House. I think if we continue to cooperate with each other, as we have in the past - and I have to put on the record that I think there's been a great deal of cooperation by all members of the House in getting the business done - we won't have to resort to speed-up motion. But if, in fact, it was determined that under discussion of a concurrence motion and, again, to try to effect the balance, the Opposition, in the government's mind, was abusing that motion, we would go into speed-up automatically.

**MADAM CHAIRMAN:** Number 13. The Member for St. Vital.

**MR. J. WALDING:** Can I ask the House Leader if he would explain that perhaps a little bit more for me, the matter of speed-up without notice.

**HON. J. COWAN:** When we get to 14, I'd like to do that. We can look at the actual wording at that time.

**MR. J. WALDING:** It's not the wording, it's the principle. How do you see it working?

**HON. J. COWAN:** Perhaps when we get to 14, which is just one away, we can address that, if that's okay.

13: The report on resolutions considered in the Committee of Supply - that's all the resolutions. The concurrence motion shall be moved in the Committee of Supply. The concurrence motion, pursuant to that sub-rule, shall be received by the House without debate.

What that is intended to do is to confine the debate on the concurrence motion to the Committee of Supply rather than letting it extend over into the House. So the motion would be received by the House without debate, along with the other resolutions.

Again, that's in agreement, after some discussion and shaping of that motion, with the Opposition.

14, which addresses the matter which the Member for St. Vital brought forward. In each Session, after we've completed the Supply resolutions, the 240 hours, a concurrence motion shall be moved in the Committee of Supply with both sections sitting together in the Chamber.

That motion shall be debatable, the concurrence motion, but shall not be governed by the 240 time limit; an unlimited time on the concurrence motion. The motion is as follows:

"THAT the Committee of Supply concur in all supply resolutions relating to the Estimates of Expenditure for the fiscal year ending March 31, . . ." - blank, whatever year that might be - "which have been adopted at this Session by the two sections of the Committee of Supply sitting separately and by the full committee."

This is the part which the Member for St. Vital is interested in: "Upon the introduction of a motion pursuant to sub-rule (1) or at any time thereafter, the following extended sitting hours providing for three separate sittings in the House daily, Monday to Saturday inclusive . . ." - in other words, an almost speed-up rule - "may, at the discretion of the Government, be brought into effect and may continue in effect until consideration of that motion has been concluded." Then it lists the hours.

Basically, that's another part of the balance when you keep putting pieces together to effect an equilibrium. If it was felt that the Opposition was, in the eyes of the government - I'm certain it wouldn't be that case in the eyes of the Opposition - but in the eyes of the government was abusing the concurrence motion, the government could bring in, without motion, at their discretion, speed-up to be in effect until that motion had been fully considered and reported.

**MR. J. WALDING:** Does this, then, take the place of the concurrence motion in the House?

**HON. J. COWAN:** I'm sorry, I don't understand.

**MR. J. WALDING:** There is now a concurrence motion in the House, to concur with all of the Estimates, instead of a separate one for every department. Would this take the place of it or be in addition to it?

**HON. J. COWAN:** No, if you look down to the next one, concurrence motion in the House, 65.2(1), "On receipt of a report from the Committee of Supply respecting consideration of a concurrence motion pursuant to sub-rule 65.1(1), a concurrence motion shall be moved in the House forthwith without notice."

When we've had the debate in the Committee of Supply, the motion shall be moved in the House without notice. That motion shall not be subject to debate, amendment, or adjournment. In other words, again, it's confining the debate to the Committee of Supply.

**MADAM CHAIRMAN:** The Member for Lakeside.

**MR. H. ENNS:** Madam Chairman, again, not taking any objection to the sliding into speed-up as being suggested under this rule change, but I just ask the question: Have all implications of that been taken into consideration? The more formal speed-up motion that used to be introduced into the Chamber clearly set out, in effect, three separate Sessions, beginning formally with the Speaker calling us to prayer, and three separate question periods.

I take it that when we talk about three separate sessions, unless, by agreement by House Leaders that one party gives up the right to a particular question period, that is what it being considered here, under the modified speed-up rules, that we are talking about three separate Sessions?

**MADAM CHAIRMAN:** That was my understanding. The Honourable Member for St. Norbert.

**MR. G. MERCIER:** I thank the Member for Lakeside for raising it because that was my understanding, that the three separate sittings would mean three question periods, unless those were dispensed with or waived.

**MADAM CHAIRMAN:** The Member for Niakwa.

**MR. A. KOVNATS:** Just a small point, Madam Chairman. If it's going to be three separate Sessions, it would seem that in the forenoon, from ten to twelve o'clock, with a question period, would leave very little time for working. To be consistent, Madam Chairman,

I would think that from ten o'clock to twelve-thirty would be more appropriate.

**MADAM CHAIRMAN:** Did you ever try to get lunch in the cafeteria in an hour?

**MR. A. KOVNATS:** Which is consistent with . . . I know there's only one hour inbetween but I think at that point you're trying to get things accomplished and, for the sake of expediency, I would think that to extend it to twelve-thirty rather than twelve o'clock.

**MADAM CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** Madam Chairman, I think that, with all due respect to my colleague, having three separate question periods would involve a lot of work, particularly at the end of a Session, and I would think the Opposition would require particularly that hour-and-a-half inbetween twelve and one-thirty to prepare for the next question period.

There's always a balance in these things. Going into speed-up generally can be of benefit to the government because the idea is that they will wear down the Opposition. On the other hand, for the government to realize that they have to have all of their Ministers there three times a day for three question periods is something that they may not very well want to go through. That gives the Opposition some leverage.

I tend to think that the rule is generally a good one. It leaves scope for some agreement and some negotiations and compromise on both sides. For example, the Opposition may agree to waive one or more of the question periods on the understanding, perhaps, that the government will adjourn the House at 10:00 p.m., because this certainly leaves it open to sit right through all evening.

I think the opposition has to have some leverage there, when a government is considering imposing speed-up, although we certainly, on our side of the House, have never been adamantly opposed to speed-up as some members of the government have been and it's interesting, particularly to see the Government House Leader bring this particular rule in. We can live with speed-up, but we have to have some leverages, and I think the fact that there are three sittings, gives the opposition some leverage.

**MADAM CHAIRMAN:** The member for . . .

**HON. J. COWAN:** I just want to make a point. A lot of this is determined on the basis of "what if, and that's how we get to this particular point in time; what if, as the Opposition House Leader indicated, the government started to filibuster its own Estimates with a time limit, what would be the balance, the negotiating position for the opposition and that was the concurrence motion.

So normally one would not expect a concurrence motion to be a problem because normally one would not expect the government to filibuster its own Estimates. Then when you got into the concurrence motion, the "what if" question became what if the opposition, now with unlimited time, decided to use the concurrence motion in the same way that the government to get us in that position - whatever

government it might be, of whatever political stripe - might have used the Estimates process and then you needed a speed-up to sort of force the issue there.

I think what we've ended up with is walking down a tunnel of mirrors for awhile; we ended up with a few "what ifs," and a balance that said, okay this is what we can do if in fact there's abuse of the situation. I think it's a very good balance, and as the Opposition House Leader indicates, it gives both sides a bit of room to go back and say, well we still have this mechanism available to us if we believe the process is being abused. I don't anticipate that the speed-up would have to be used; I don't anticipate that the concurrence motion would have to be used to overcome a government filibuster of the Estimates. I anticipate that the cooperation which exists today will continue because both House Leaders and both caucuses and all members of the House, know it's in our best interests to use our time effectively.

**MR. J. WALDING:** Madam Chairman, I wanted just to get quite clear in my own mind this matter of a concurrence motion in the committee and how that would then move into a speed-up motion. The Government House Leader said it can be used, if necessary. How, in fact, would it be used? Is it not a substantive motion needing two days notice; and is that a debatable motion in itself?

**HON. J. COWAN:** No, the rules which govern the operation the House very clearly indicate that it can be brought into effect at the discretion of the government. The notice is not required, the debate on the motion is not required, and that was in agreement with the opposition again, trying to set the balance in place, so if, for any reason things got out of hand, this balance could be brought back into effect.

**MR. J. WALDING:** I haven't quite finished.

**HON. J. COWAN:** Sorry.

**MR. J. WALDING:** You mentioned that would be in the House or in the committee that the motion proceed that would be made?

**HON. J. COWAN:** It would be brought into effect in the committee, but it would it then govern the running of the House entirely.

**MR. J. WALDING:** But if it's adopted by a committee, surely it has to be adopted by the House to be a House Rule and to govern the affairs of the House. The committee is a creature of the House; it doesn't control the House. It can't make decisions for the House.

**HON. J. COWAN:** This rule here is really governing the way in which we get into that speed-up scenario. Again I hope that we never have to do that, but the way in which it's set up is it allows us to go into speed-up without the necessity of the debate. Perhaps the Clerk can explain the detailed process in the way in which it happens, but again, it's a motion that is brought forward at the discretion of the government and takes effect immediately at that time. Maybe he can explain

just the mechanics of getting us from one stage to another.

**MR. CLERK:** Well simply, as I believe the process would work, Madam Chairperson, after the concurrence motion had been moved in the Committee of Supply, the Government House Leader could announce that pursuant to Rule 65.1(4), speed-up would now apply without a motion, without any decision to that effect, flowing from that Rule 65.1(4).

**MADAM CHAIRMAN:** And that announcement would be made in the House under Orders of the Day before you went into committee.

**MR. J. WALDING:** So it wouldn't be a matter of the committee passing that motion?

**HON. J. COWAN:** No.

**MR. J. WALDING:** Would it then have to be adopted by the House or simply announced?

**MR. H. ENNS:** The House would . . . (inaudible) . . . puts us into concurrence and puts us into Committee of Supply.

**MR. J. WALDING:** Let me get this straight so we know what we're doing.

**MR. G. MERCIER:** Madam Chairman, I appreciate the Member for St. Vital's concerns. It was certainly my understanding, as we discussed these rules, rather than having a vote and debatable motion to go into speed-up, that we agreed that the speed-up rule contained in this subsection (4) would be brought into effect simply by announcement of the Government House Leader that these would be the hours, they would be Monday to Saturday, and that would be it. If the government wanted to vary those, unless it was done by consent, that would probably require a subsidence of motion to be made, but this speed-up rule could be brought into effect just by announcement by the Government House Leader. From then on this motion was in effect and the House would automatically sit three sittings per day, Monday to Saturday.

**MR. J. WALDING:** Okay, but it's an announcement in the House and not in the committee.

**MR. G. MERCIER:** No.

**MADAM CHAIRMAN:** In the House.

**HON. J. COWAN:** Madam Chairperson, in essence, it's an enabling rule that allows that situation to be brought into effect immediately, without debate.

**MR. G. MERCIER:** If the Member for St. Vital is satisfied with that explanation, Madam Chairperson, I'd like to go on to another point that was referred to by him earlier, in view of the magnanimous position of the Government House Leader . . .

**MR. J. WALDING:** Can I interrupt you just for a minute. I've read it over again and it says, "The introduction

of a motion." That's a little different from a statement in the House by a . . .

**MADAM CHAIRMAN:** Pursuant to sub-rule (1).

**MR. CLERK:** That's the concurrence motion.

**MADAM CHAIRMAN:** Pursuant to sub-rule (1), 65.1(1).

**HON. J. COWAN:** . . . refers to the concurrence motion.

**MR. J. WALDING:** Upon the introduction, I mean sometime after that . . .

**MADAM CHAIRMAN:** After the concurrence motion.

**MR. J. WALDING:** . . . the following . . .

**HON. J. COWAN:** In other words, it can be done at the time the introduction of the motion or sometime after the time of the introduction of the motion.

**MR. J. WALDING:** Just a moment, let me read this again.

**MADAM CHAIRMAN:** While the Member for St. Vital is reading that, Mr. Remnant has a comment.

**MR. CLERK:** Well I have, subject to agreement, a suggested amendment to Sub. (4) that might clarify the point, so that it would read: "Upon the introduction of a motion pursuant to sub-rule (1) or at any time thereafter, the following extended sitting hours providing for three separate sittings of the House daily, Monday to Saturday inclusive, notwithstanding the rules respecting sitting hours may at the discretion of the government - and here you insert - and upon being announced by a Minister of the Crown be brought into effect, etc.

**MR. J. WALDING:** There's one part missing, the English doesn't read. The following extended sitting hours may be brought into effect.

**MR. CLERK:** Well, may at the discretion of the government upon announcement by a Minister of the Crown.

**MR. J. WALDING:** An announcement bringing into effect needs to be in there, but it doesn't say that at the moment. It's difficult to understand.

**MR. CLERK:** No, upon announcement by a Minister of the Crown would clarify it.

**MADAM CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** I have no problem with that amendment and then it would . . .

**MADAM CHAIRMAN:** Announced in the House by a Minister of the Crown.

**MR. G. MERCIER:** . . . certainly clarify the understanding we have.

I have a concern not raised before and I perhaps apologize to the Government House Leader. But it is the Rule 65.(14) which allows a motion in Committee of Supply to be put which is not debatable. If we are in fact agreeing to a time limitation of 240 hours, plus a concurrence motion in which the government may simply by announcement go into speed-up, may I suggest to him that the government consider deleting Section 65.(14).

**MADAM CHAIRMAN:** The Honourable Government House Leader.

**HON. J. COWAN:** I don't think that the government at this stage of development of these would be amenable to that suggestion. However, it's something that we may want to consider on a continuing context.

I think what we've done is developed a package which fairly well reflects the different needs of the different parties and that matter had been discussed briefly at one point in our discussions with the Opposition House Leader. I'd certainly be prepared to discuss it further with him, but I would not in any way suggest that we would be bringing that change forward at this time and I don't think we'd be bringing it forward at a later time given the fact that we have an accepted package in front of us.

However, if the Opposition House Leader can make arguments that we should give that fuller consideration, I'd be prepared to do that over a period of time without any indication of support for the idea at this time; because, quite frankly, I don't support the idea and we did have some discussion involving that particular form of putting the question and the concurrence motion previously. In that way, I felt we had dealt with it sufficiently.

**MR. G. MERCIER:** Madam Chairperson, I don't raise this as certainly an impediment to approval of a package that has been agreed upon. There are certainly many ways in which an Opposition has to continue debate during the Session, whether it be through grievances, through motions for emergency debate, through unlimited debate on bills, for example. So that it's not to say that the Opposition will be left without any method of bringing its concerns to the attention of the government and the public and looking at it from a purely political point of view. For a government to close a Session by closure, maybe it's something I should hope for.

**MADAM CHAIRMAN:** Is there any other comment on Section 14 then? The last two points are clear? Could we adopt the 5 and 6, when we've discussed 11?

**HON. J. COWAN:** I believe so.

**MADAM CHAIRMAN:** The Member for Thompson.

**MR. S. ASHTON:** I just had a couple of general comments and basically that I would hope that we would view this in the proper light. . . . series of technical amendments, but I think there are some fairly significant changes to the functioning of the House, which I think is in keeping with the movement toward parliamentary

reform, which we're seeing in many Legislatures, certainly Canada, the House of Commons, where evening sittings, for example, have been eliminated. I know some other provinces have made that same move.

I think it really reflects the changing role of MLAs. I think evening sittings, in particular, reflect the fact that MLAs do have constituency related meetings usually and other business to attend to. I think that's going to give them greater freedom to participate in those sorts of events. At the same time, I think the overall impact of the rules is that they will make the proceedings of the House - I hate to use this word, but perhaps I should anyway - a bit more efficient. Perhaps relevant is the proper word and it keeps with the balances between government Opposition which I think are important.

But I think, particularly in regard to Estimates, what we will see is a better organization of that time to the point where I think we'll have better discussion and it'll serve the House generally.

So I think it's part of the overall movement towards parliamentary reform. I hope it's not the last step, but I think it's a fairly significant one and one I know our Caucus is very supportive of.

**MR. G. MERCIER:** I have a question which the Clerk may be able to answer. It's in Item No. 6. The present Rule (2) reads: "All other motions, including adjournment motions shall be decided without debate or amendment." This new section reads: "All other motions, including adjournment motions and such motions as are specifically provided for in these rules." Are we expanding it or why are we adding the changed wording?

**MR. CLERK:** No, we're not expanding it, Madam Chairperson, we're attempting to eliminate a little confusion because (2), as it originally read, said: "All other motions, including adjournment motions shall be decided without debate or amendment.", implying that if a motion wasn't listed or anything that could fall into that great long somewhat vague listing of debatable motions was debatable. There are concurrence motions in there and what I am aiming at with this wording is that there are already in the rules one or two motions, specific types of motions, such as a motion to suspend a member, such as being added the concurrence in the House, in Estimates, provided for under 65.2(1) on Page 8, which are specifically provided for in these rules as motions to be decided without debate or amendment and the purpose of that amended wording in (2) is simply to alert the reader of the rules to the fact that there are some motions in here, some very specific types of motions somewhere in these rules that are specifically identified as being motions that have to be decided without debate or amendment.

**MR. G. MERCIER:** So what you're saying is that, in the rules, if there is a requirement that the motion should be decided without debate, you're just repeating what's existing in the rules. Is that right?

**MR. CLERK:** One of my targets is 36.(1)(b). A listing of debatable motions for the concurrence and a report of a Standing or Special Committee.



I am stressing the question of no debate in a particular kind, in the House concurrence motion, which is a concurrence and a report of sorts and I just want to make quite sure that there's no confusion over that.

**MR. G. MERCIER:** It is debatable.

**MR. CLERK:** No, the final concurrence provided for on Page 8.

**MR. G. MERCIER:** Oh I see, okay, then for the concurrence of the report of the Committee of Supply on the concurrence motion.

**MADAM CHAIRMAN:** We are saying on Page 8 in here that it's non-debatable or amendable, and yet 36(1)(b) here says that concurrence motions are debatable, so just to make sure that it's . . .

**MR. G. MERCIER:** I really don't see the need for it when you have this specific rule that says it's not debatable. I'm just worried there's something in here which we're saying we're going to make non-debatable that has been debatable so far.

**MADAM CHAIRMAN:** Then you should reconsider what you've got on Page 8.

**MR. G. MERCIER:** I agree with that.

**MADAM CHAIRMAN:** You agree with that so this one is just saying . . .

**MR. CLERK:** If you're uncomfortable with it, it's a safety measure from my point of view to make sure that there's no confusion about whether this rule or that rule applies. I felt it's a good provision; it alerts people to the fact that there are somewhere in these Rules some motions which it says are specifically non-debatable motions.

**HON. J. COWAN:** Perhaps we can do this. The Opposition House Leader can meet with the Clerk to see if those concerns should be dealt with by removing the clause; if that decision is taken at that time then we would not be opposed to it. Perhaps the Clerk at that time can convince the Opposition House Leader, because I've had this discussion with him previously and he, in fact, did convince me that it was necessary. I think he would do the same, but if there are any concerns we would not be opposed to that particular clause being left out.

**MR. CLERK:** You mean the particular phrase within several.

**HON. J. COWAN:** We'd go back to the original clause. When I had discussions the Clerk did make some very good arguments for the amendment, but I think it will work in either way. So we'll leave that decision to a determination between the Clerk and the Opposition House Leader.

**MADAM CHAIRMAN:** It will end up one way or the other when the committee reports to the House.

**HON. J. COWAN:** Yes.

**MADAM CHAIRMAN:** Okay.

**HON. J. COWAN:** I'd just like to make some general comments. First, by thanking the Opposition House Leader, members of his caucus, my own caucus Chair, and members of our caucus as well as the Member for River Heights, who has been involved in discussions on this for what I believe to be a very constructive and cooperative and positive attempt to bring about some reform which will make the House function better. That's in the interest of all members; that's in the interest of the general public.

I'd like to thank staff, both the Clerk and his staff and other staff, who have been involved in reviewing these options. I know a great number of people have given a fair amount of time and energy to make certain that they reflected the agreement which resulted between the parties in the House. There, for the record, was a lot of give and take that went on during the discussions. I think it was a very positive process that resulted in creative solutions to some very long-standing and difficult questions and problems. There was a great deal of compromise, but more importantly, a great deal of cooperation. I think the Opposition House Leader would join in with me if we can offer some unsolicited advice to those who may follow in our roles; that cooperation is what makes the House function well in the best interests of all of the parties.

I believe he's done an admirable job of protecting the interests of Opposition. I believe we have done a very good job in protecting the interests of government. I believe we have shaped a package that will make us both better at what we intend to do, and that's serve the people. It will make a better Opposition, it will make a better government, and for that reason I am quite pleased that we are able to present this package in this way to the House, having given a great deal of time, energy, thought and work to shaping an overall package that provides for a very progressive change to take place, yet without disturbing the balance and the dynamics, and the tension that must exist in the House to make it function well.

So I thought it would be appropriate to provide those overall comments as advice to others who might follow and to indicate that we are pleased with the way in which this package was put together.

There was one other matter that is not included in the Rules because it was not a rule previously, but I should bring to attention of the Rules Committee, and that is the Standing Committees which presently meet till 12:30, will now only be meeting till 10:30, excuse me, till 12:00, sorry, wishful thinking on my part for tomorrow's meeting. We'll now only be meeting till 12:00 to allow a length of time between their adjournment and the starting of the House, so that members can attend to their caucus responsibilities as well as get a bite to eat.

**MADAM CHAIRMAN:** The Member for St. Vital.

**MR. J. WALDING:** Madam Chairman, I missed it the first time through. But I just wanted to ask on Item 9 on Page 5. It's where PO 65(5) and substitutes almost



exactly the same wording with the exception of the words "unless otherwise ordered". I'd like to ask why it was necessary to insert those words.

**MADAM CHAIRMAN:** The different word in that one is the word "concurrently".

**MR. CLERK:** The Rule changes were based on an agreement between House Leaders in which that word was the chosen word and it . . .

**MR. J. WALDING:** I see it, but it saves they may meet in two committees instead of meeting concurrently. I don't consider that a major change. But the words "unless otherwise ordered" make their appearance in that and I'm wondering why it was necessary to put that in there. What it was for?

**MR. CLERK:** That is a new wording which was also a reflection of what was agreed upon between House Leaders and it allows time . . .

**MR. J. WALDING:** I know it was agreed to, I'm asking why. What was the reason for it?

**MR. CLERK:** So that if agreement is reached, if it's decided that the two sections should meet together, rather than separately for any purpose, such as, the consideration of the concurrence motion, that is contemplated by that rule.

**MR. J. WALDING:** Yes, but the leaving in one committee yet for concurrence is the subject of another rule is it not?

**MR. CLERK:** Uh huh.

**HON. J. COWAN:** I think it's a matter of clarification, unless the member has a concern with it. All this builds each upon the other to do that and to clarify what was being done and also some general clarification. It may be that we don't want to have two committees sitting at all, maybe we want to have one committee sitting and a Standing Committee sitting at the same time. It may be a whole series of different options which could take effect under that particular wording, which does not change what happens now.

**MR. J. WALDING:** Yes, that's what makes me wonder why there is a change when there is no problem the way it's being done right now.

**HON. J. COWAN:** When one looks at Rules or legislation opens up the wording for review, there are lots of times where there are minor changes that take effect that don't change the process, don't change the impact, but are considered to be better wording for purposes of clarification. I think that's all this particular change is. It's standard practice as the member is aware, to do that in many instances when reviewing existing wording, whether it's legislation or Rules.

**MR. J. WALDING:** I realize it also happens now by agreement that the House will sit in one committee and the other one won't sit, but the wording here that

says "unless otherwise ordered". Does that mean that the House could come to a division on the matter and decide that the other committee should not meet?

**MR. CLERK:** Unless otherwise ordered, if you carry it to the ultimate, the process of ordering is by adoption of a motion of instruction.

**HON. J. COWAN:** What we do now we do, by leave.

**MR. J. WALDING:** As long as I understand that's what is intended.

**HON. J. COWAN:** Yes.

**MADAM CHAIRMAN:** May I just ask for clarification. This of course means that Standing Committees can meet in the evening. My concern is if the general public is still able to come and make delegations to committee on bills in the evening.

**HON. J. COWAN:** Right.

**MRS. S. CARSTAIRS:** Okay. Right, can we move adoption then of the entire report with the minor changes, and deleting (a) off the top of the report?

**MR. G. MERCIER:** There was the one amendment that the Government House Leader had to insert. Perhaps that should be read into the record.

**MADAM CHAIRMAN:** Yes, with those changes as we went along. Do you want to read it into the record?

**MR. G. MERCIER:** As I understand it then, the changes would be (a) is deleted; there would be the motion of the Government House Leader which would be inserted in clause 10., before (6.2), and then the change in wording or additional wording suggested in clause 14(4) by the Clerk.

**MADAM CHAIRMAN:** Did you want to read that, the new (6.2) into the record?

**HON. J. COWAN:** Now the new (6.2) on Page 6 would read: "when the Official Opposition House Leader and Government House Leader have assigned places in the sequence for the consideration of the Estimates of all government departments, the Government House Leader shall forthwith table in the House a written statement of that sequence". (6.2) now becomes (6.3) in the renumbering.

**MADAM CHAIRMAN:** Then the change on the last page under (4), would be "upon the announcement in the House by a Minister of the Crown." Agreed?

**HON. J. COWAN:** There is still the one remaining question which will be determined after consultation between the Opposition House Leader and the Clerk.

**MADAM CHAIRMAN:** Could I have a motion? Do I need a motion for the whole package, as amended? Or unanimous consent is that . . .?

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**HON. J. COWAN:** I think that unanimous consent is probably the way in which it was intended to be dealt with.

**MADAM CHAIRMAN:** Agreed? Agreed and so ordered.  
A motion to adjourn.

**COMMITTEE ROSE AT:** 9:35 p.m.