



Second Session — Thirty-Fourth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on
PRIVILEGES
and
ELECTIONS

38-39 Elizabeth II

Chairman
Mr. Parker Burrell
Constituency of Swan River



VOL. XXXVIII No. 1 - 10 a.m., TUESDAY, FEBRUARY 13, 1990.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fourth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIBERAL
ANGUS, John	St. Norbert	LIBERAL
ASHTON, Steve	Thompson	NDP
BURRELL, Parker	Swan River	PC
CARR, James	Fort Rouge	LIBERAL
CARSTAIRS, Sharon	River Heights	LIBERAL
CHARLES, Gwen	Selkirk	LIBERAL
CHEEMA, Gulzar	Kiidonan	LIBERAL
CHORNOPYSKI, William	Burrows	LIBERAL
CONNERY, Edward, Hon.	Portage la Prairie	PC
COWAN, Jay	Churchill	NDP
CUMMINGS, Glen, Hon.	Ste. Rose du Lac	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur	PC
DRIEDGER, Albert, Hon.	Emerson	PC
DRIEDGER, Herold L.	Niakwa	LIBERAL
DUCHARME, Gerald, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIBERAL
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Laurie E.	Fort Garry	LIBERAL
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Virden	PC
GAUDRY, Neil	St. Boniface	LIBERAL
GILLESHAMMER, Harold	Minnedosa	PC
GRAY, Avis	Ellice	LIBERAL
HAMMOND, Gerrie, Hon.	Kirkfield Park	PC
HARAPIAK, Harry	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HEMPHILL, Maureen	Logan	NDP
KOZAK, Richard J.	Transcona	LIBERAL
LAMOUREUX, Kevin M.	Inkster	LIBERAL
MALOWAY, Jim	Elmwood	NDP
MANDRAKE, Ed	Assiniboia	LIBERAL
MANNES, Clayton, Hon.	Morris	PC
McCRAE, James, Hon.	Brandon West	PC
MINENKO, Mark	Seven Oaks	LIBERAL
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
OLESON, Charlotte, Hon.	Gladstone	PC
ORCHARD, Donald, Hon.	Pembina	PC
PANKRATZ, Helmut	La Verendrye	PC
PATTERSON, Allan	Radisson	LIBERAL
PENNER, Jack, Hon.	Rhineland	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren	Lac du Bonnet	PC
ROCAN, Denis, Hon.	Turtle Mountain	PC
ROCH, Gilles	Springfield	LIBERAL
ROSE, Bob	St. Vital	LIBERAL
STORIE, Jerry	Flin Flon	NDP
TAYLOR, Harold	Wolseley	LIBERAL
URUSKI, Bill	Interlake	NDP
WASYLYCIA-LEIS, Judy	St. Johns	NDP
YEO, J. Iva	Sturgeon Creek	LIBERAL

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

Tuesday, February 13, 1990

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Parker Burrell (Swan River)

ATTENDANCE - 11 — QUORUM - 6

Members of the Committee present:

Hon. Mr. Driedger (Emerson), Hon. Mrs. Hammond, Hon. Mr. McCrae
Messrs. Burrell, Carr, Evans (Fort Garry), Evans (Brandon East), Harapiak, Minenko, Praznik, Mrs. Yeo

APPEARING:

Mr. Steve Ashton (Thompson)
Mr. Jay Cowan (Churchill)
Mr. Neil Gaudry (St. Boniface)

MATTERS UNDER DISCUSSION:

Privileges and Elections

* * * *

Clerk of Committees (Ms. Patricia Chaychuk-Fitzpatrick): Committee, please come to order. We have a quorum. As the first order of business, we must proceed to elect a Chairperson for the Standing Committee on Privileges and Elections. Are there any nominations? Mr. Laurie Evans.

Mr. Laurie Evans (Fort Garry): Yes, I would like to nominate the Honourable Minister of Highways and Transportation (Mr. Albert Driedger).

Madam Clerk: Are there any further nominations for the position? Any further nominations? Mr. Praznik.

Mr. Darren Praznik (Lac du Bonnet): Yes, I nominate Mr. Burrell.

* (1005)

Madam Clerk: Mr. Burrell. Are there any other nominations? All those in favour of Mr. Driedger as Chairperson, please say aye; those opposed, nay.

All those in favour of Mr. Burrell, please say aye; those opposed, by nay.

I declare that Mr. Burrell is the Chairperson.

There has been a request for a counted vote. All those in favour of Mr. Albert Driedger as Chairperson, please raise their hand. One, two, three, four in favour. Those opposed? All those in favour of Mr. Burrell as

Chairperson, please raise your hand. I can remind you that only committee Members are allowed to vote. One, two, three, four, five in favour. I declare that Mr. Burrell has been elected Chairperson. Mr. Burrell, will you please take the Chair.

Mr. Chairman: That was close.

An Honourable Member: Not exactly an overwhelming vote of confidence.

Mr. Chairman: No, if I had not voted for myself, I would not have made it.

First of all, has everyone received a copy of the Background Paper on Privileges and Elections? Okay, I have a brief statement I would like to make to the committee about its responsibilities concerning the alleged matter of contempt and outlining the procedures the committee may wish to adopt.

Mr. Speaker ruled on January 10 that a prima facie case of contempt had been established concerning the actions of the Honourable Member for Minnedosa (Mr. Gilleshammer) and the Honourable Minister of Finance (Mr. Manness) at the May 1 meeting of the Standing Committee on Economic Development. This matter was referred to this committee on January 11 when the House adopted the following motion:

THAT the alleged matter of contempt reported to this House on October 4, 1989, by the Standing Committee on Economic Development be referred to the Standing Committee on Privileges and Elections for consideration and report.

Therefore, the Members of this committee must examine the prima facie case of contempt which has been referred to it and determine whether contempt was in fact committed. Then the committee must report its findings to the Assembly and may recommend what action, if any, should be taken. Although this committee will be conducting an examination of an alleged matter of contempt its powers and authority will be the same as those of other standing committees of the Legislative Assembly.

I suggest to the committee that at this meeting it should be decided how to proceed with this matter. The following items should be considered: which decisions will be made by motion; what witnesses should be invited to appear before the committee; in what sequence will witnesses be heard; whether witnesses will be heard under oath; what papers or information may the committee wish to consider as evidence; whether portions of the committee's meetings should be conducted in camera. Committee meetings are open to the press and to the public unless the committee decides otherwise.

Once the committee completes its examination of the alleged matter of contempt a report must be made

to the House. This report should be in the same style and format as regular committee reports and contain the following information: the motion of referral; the dates of committee meetings; witnesses heard; the committee's decision respecting the alleged matter of contempt; any recommendations that the committee may wish to make to the House.

On Friday Mr. Speaker distributed to House Leaders an explanatory background paper prepared for the committee by the Office of the Clerk. If any Members of the committee do not have one, I believe we have some extra copies here.

In conclusion, I think I should remind all Members that as Beauchesne states, a genuine question of privilege is a most serious matter and should be taken seriously. I know that Members have strong views about this particular matter and that not all Members share the same view. Therefore, I think that the committee's work will flow more smoothly if all Members choose their words carefully and try to avoid provocative ones that can so easily lead to disorder.

What is recommended here, and we will be looking for the will of the committee, would you like to lay out the format for the committee at this meeting, or what is the will of the committee?

* (1010)

Mr. Laurie Evans: Mr. Chairperson, I think the words that you have spoken cover most of the critical issues here, but I do think that this is an extremely serious matter. Certainly my colleagues regard it as such, but I think it is also important that it be handled as expeditiously as is feasible. I would hope that before we get into the details as to whether we will or not call witnesses and so on that we look at a schedule.

I would propose, Mr. Chairman, that we consider meeting at this time weekly until this issue is concluded rather than have a situation where we do not know when the next meeting will be called, therefore, not in a position to really provide direction to potential witnesses and so on.

Hon. James McCrae (Government House Leader): Mr. Chairman, I suggest that Honourable Members, those who are here, Members of the committee, who wish to make some comments about this matter do so and we get that over with. You could call it opening comments if you like. As to whether the committee meets weekly or not maybe could be left until those opening comments, and we could see where we go as a result of those opening comments. Is that agreed?

Mr. Laurie Evans: Well, I have no problem with that.

Mr. Chairman: Excuse me, Mr. Evans—so we can recognize you for Hansard.

Mr. Laurie Evans: I have no problem with the Honourable Minister's suggestion provided that this is not left unresolved when we adjourn, in fact we adjourn before completion of deliberations today. I think it is important that we know the time schedule.

I would only add to that then if we are going to look at brief opening statements, and mine will certainly be brief.

I think that we have before us in your statement, and that from the Speaker's ruling, a very clear understanding of what our responsibility is in this meeting. First of all it is to look at the alleged contempt and to make that decision as to whether in fact there was contempt or not.

It is my view and I feel the view of my colleagues that the Hansards that we have, which relate to the committee meetings that were held on May 1 and 2, are really the record of what occurred. We have had the Hansards of the lengthy debate that took place when this was before the House, and it would be our view that in terms of what we might refer to as natural justice that the two Members who have been alleged as being in contempt of the committee had the opportunity to make statements and to answer questions before this committee if they so wish.

It would be my view that should be a voluntary type of situation, and they should be given the option as to whether they want to appear before the committee or not. If they decide that they do not wish to, then I would question the necessity of bringing in other witnesses unless the discussion within the committee itself leads to the feeling that there is a necessity for additional witnesses. I would like to see it left with the idea that those two Members who have been named be the ones who have the opportunity to come before the committee, that be voluntary, and we decide after their decision is made as to whether further witnesses are required.

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Chairman, I certainly do not want to belittle the activities that took place on that particular night. Maybe for the benefit of Members I could maybe just do a little bit of a runback in history.

I had the privilege of being Chairman of the Committee of Supply from '77 to '81 in that period, and I think at that time our Rules were a little different. We would sit sometimes until three o'clock, 3:30 at night, trying to force issues through at that time.

The circumstances were different at that time. It was always a majority Government. I think the fact that we have a minority Government changes the circumstances somewhat to a degree. I would anticipate that had there been a majority Government in place on the night in question that possibly committee would have adjourned at ten o'clock. Those are the things that change circumstances.

* (1015)

However, in the past there have been unique situations developing within this Legislature. I can recall when we had a committee that was called for ten o'clock and it was—we were Government at the time, the Opposition was a little tardy in showing up and five minutes later we had passed the whole report. It created a lot of concern and felt it had not been handled properly. Upon reconsideration of course the committee

at a later time reconvened, but these things develop sometimes where if you want to play by strict rules you can embarrass, from time to time, one Party or the other.

I think that reference was made by Mr. Evans about calling in witnesses and having these two Members that we wanted to -(interjection)- I am not ready yet.

I just wanted to raise this, that from time to time we have had some pretty emotional things happening. I can recall walking out of the House. We had a bit of a pushing match between the two Parties. Emotions sometimes run a little high based on this subject. What I basically am trying to suggest is that decisions from my experience with that have not necessarily been the most productive. Usually by that time it is a matter of one political Party challenging the other to some degree to see who can outlast the situation. I do not know whether that is necessarily very beneficial to the Members involved as well as to the public at large.

I just want to indicate that I think the situation is serious, that possibly we should maybe establish some rules for the future. However, the situation probably could not come forward again for many years depending on whether we have another minority Government. When you have a majority Government, invariably they sort of rule the day. This is what sort of created some situations, that even at the present time in the House we are not maybe moving as fast as we would if we had a majority Government. Possibly it would have put in Speed-up already and things would be escalating, but those are the Rules that we operate under. I think we have to accept that.

In dealing with this particular issue here, I do not know whether it would be necessary to call forward the witnesses. We had two days of debate on it. I think the Members involved expressed regret of the actions that they had undertaken. To what extent we want to take and pursue this, I get a little concerned when the Member indicates that we should be establishing a time every week at the same time until we have this resolved. I think it could probably be done much more expeditiously depending on the attitude of the committee.

Basically, Mr. Chairman, I just wanted to put those remarks on the record seeing that circumstances in this building sometimes change a little bit. The fact that some things maybe are done intentionally on the spur of the moment, on rethinking the issue that possibly maybe it was not meant as seriously, though I think it is very important that we protect the interests of all Members of the House.

Mr. Steve Ashton (Thompson): I am not sure exactly what we are doing right now.

Mr. Chairman: I can bring you up to date.

Mr. Ashton: I am sorry, there was confusion over the committee. We are just trying to straighten that out—

Mr. Chairman: No, we were setting out to establish rules and Mr. McCrae asked that everyone give an

opening statement that felt that they wanted to, and then maybe we can pick up the direction of the committee from there.

Mr. Ashton: I am prepared to give an opening statement. It might be appropriate. I think it is important to—

POINT OF ORDER

Mr. Chairman: Point of order, Mr. McCrae.

Mr. McCrae: Before the Honourable Member begins, I am not sure who the Members of this committee are. I understood that Mr. Evans, Brandon East, and Mr. Harapiak were the Members of this committee for the NDP, not that the Honourable Member for Thompson (Mr. Ashton) does not have a right to speak. I am not suggesting that. I am just asking for clarification, the voting Members.

* (1020)

Mr. Chairman: You are correct. Mr. Harapiak and Mr. Evans; yes, Mr. Evans, Brandon East.

Mr. Ashton: Mr. Chairperson, what happened was the motion form did not reflect the motion that was moved in committee last announced. I was intended to be substituted for the Member for The Pas (Mr. Harapiak). The problem is, Hansard is not available from last night to confirm it. That was the particular question we were resolving. It does not really matter anyway because all Members of the Legislature are entitled to speak. I think we could probably resolve this as soon as the Hansard from last night is available. Mr. Harapiak is in the other committee, so he would be able to attend until that matter was resolved, if there were any votes of the committee. The intention was to substitute myself for the Member for The Pas because he does have the—

Mr. Chairman: The Hansard is not regarded as the official record. Is there agreement on the committee to carry on in that? Sure. Okay, Mr. Ashton.

Mr. Ashton: Where was I?

Mr. Chairman: Opening statements.

Mr. Ashton: Opening statements. I think it is important to recognize what we are doing here. I appreciate the Member for Emerson's (Mr. Albert Driedger) comments. I believe what we are here to do though is not reflect on history but reflect on some specific events and where it leads us to as Members of the Legislature.

I want to take a bit of time to deal with matters of privilege, because I think it is important. There has been a background paper distributed I think which is quite, quite good, but I think it is important to recognize what we should be dealing with in this committee as a Committee on Privileges and Elections. With the

indulgence of the committee, I would like to run through it.

Essentially, we have a ruling from the Speaker as of January 10, 1990, that there was a prima facie case for contempt or breach of privilege with respect to the allegations that have been made toward the Minister of Finance (Mr. Manness) and the Chairperson of the Economic Development Committee, the Member for Minnedosa (Mr. Gilleshammer), on the meeting of the Standing Committee on Economic Development on May 1st and 2nd, 1989.

This goes back of course to when this matter was first raised, which was the earliest opportunity on October 4, 1989. It has been about eight months now since this matter first arose. I think it is important to look at what a breach of privilege is. There has been some discussion in terms of the paper, which I think outlines quite clearly what a breach of privilege is in the sense of our Rules in the sense of Beauchesne's, various other sources.

I think it is important to basically recognize it is an offence against specific codified or established principles of Parliament. We have discussed this in getting to this, when this matter came before the Legislature, that it can be either collective, individual or institutional rights shared in common by all Members. There are precedents and conventions which are not specifically defined as privilege but do relate that we have to consider.

It was interesting, because I had our research department go through and look at the history of matters of privilege and contempt. There are some interesting precedents here, interesting remedies actually. I am not suggesting that we use them in 1990. In 1601 a witness found to be in contempt for making a scandalous and defamatory speech was fined 10 pounds and had his ears cut as punishment - (interjection)- cut off. I am not suggesting that we deal with that today. I believe the NDP is very, very magnanimous on that. We do not believe that is the case.

The Isle of Man, once again I am perhaps glad we are not Members of the Legislature on the Isle of Man. A Mr. Brown was found in contempt of Parliament for failing to apologize when summoned before the Bar of the House for slander. He received six months in the dungeon as punishment. There are some other interesting ones. There are some more recent precedents in terms of matters of privilege.

* (1025)

In India, March 6, 1975, the House resolved that three visitors to the gallery who shouted slogans and threw leaflets were guilty of contempt of the House. They were sentenced, and I quote, to rigorous imprisonment till 6 p.m. on the 19th of March, 1975. I do not believe we are looking at that precedent here in Manitoba.

There are various other interesting precedents. In Westminster in 1647 the House resolved that the matter be sent to Newgate Prison during the pleasure of the House. I am not suggesting we do that either.

I raise these precedents to show that there is a long history in terms of privilege and contempt. To make it clear from the start, we are not interested inasmuch as the punishment I believe, but in terms of the resolution of what happened. I may have said this humorously. I believe that is why we are here as a committee, to look at what happened in those events, where it leads us to.

I do believe we should take the time. I agree with the suggestion from the Member for Fort Garry (Mr. Laurie Evans) that we try and set a regular series of meetings if those meetings are required, so that we can resolve this and resolve it, not as soon as possible. I do not think we should rush our deliberations, but on the other hand I do not believe that we should drag this out unnecessarily.

I believe what we are looking at is not so much the question of what the punishment is but in terms of what occurred, how it affects our collective individual institutional rights as I mentioned before as Members of the Legislature and how we can deal with what happened to ensure that it does not happen again.

I believe that there was very clearly, and the Speaker ruled that there was, a prima facie case of breach of privilege. Let us deal with what that means so that we know as a matter of committee what we should be dealing with at this level.

Prima facie, the Latin term, means basically at first sight or on first appearance. Perhaps it could be indicated in English as being termed a fact presumed to be true unless disproved by some evidence to the contrary.

What the Speaker ruled is that there was a prima facie case of privilege. I believe that one thing this committee should be doing then is determining whether there is evidence to the contrary. I believe that the Members who were involved should be coming forward to this committee, the two Members. I believe it is their obligation to indicate that there was not a prima facie case, that there is evidence to suggest that there was not in fact a breach of privilege. That is essentially the process we should be following.

I would suggest too that it is also the Government House Leader's responsibility before this committee. The Government House Leader argued extensively prior to this matter reaching this committee that there was not a prima facie case. That was rejected by the Speaker.

I believe that is the first question we should be dealing with: was there a breach of privilege? I believe that to do so we need to be able to as a committee ask questions not just to people who were at the committee. I believe the events are fairly clear. I do not think we have to spend a great deal of time determining what happened. I do believe that there should be the opportunity to ask questions to the two Members who are before us. I think it is only appropriate in terms of what a prima facie case is to the point we are at as a committee but also in terms of as has been mentioned by committee Members in terms of their role.

We do have in looking at the history of privileges many possible routes we can go. I do not want to get

into great detail at this point, but I believe at some point we should in terms of the types of remedies that we can deal with. There can be specific remedies. If there is determined to be a serious breach of privilege, we have a full range of abilities to recommend penalties to the House, although this committee does not have the power in and as of itself to recommend or to deal with remedies directly. It is the House that is the final arbiter in that sense. There are many things that we can recommend, not just in terms of the matter of privilege. I would suggest what we should also be looking at perhaps most importantly as a committee is a way to deal with this situation so that it does not happen again.

I want to indicate that I am frustrated as House Leader for our Party because we have not had a Rules Committee meeting in two years. We have indicated to the Government that we feel that a number of our Rules could and should be changed. We are in a minority Government situation as was pointed out by the Member for Emerson (Mr. Albert Driedger). I recognize that a lot of our Rules in Manitoba have been developed for the majority Government scenario that one normally has found in Manitoba. If one looks at Manitoba history, there have only been the occasional cases of minority Government. I believe that changes the dynamic in the Legislature not just as was suggested by the Member for Emerson in terms of perhaps the Government having less power.

* (1030)

Look at what has happened in this case. This would not have happened I believe in a minority Government situation. We see a unique situation where the Government walked out of a committee and paralyzed the committee, followed by the Chairperson of the committee. The committee, even though it had a quorum, was powerless. That is one of the reasons we have suggested that the Rules committee should be called. There are many other Rules that I believe could be changed. We in Manitoba for example have not been following the general trend towards parliamentary reform that was established in Ottawa a number of years ago. They did a number of things which strengthened the role of individual Members of the House, strengthened the role of committees, and yet we as a Legislature in Manitoba essentially have not had major changes to our rules for a number of years.

The last series of major changes is really about four or five years ago when we dealt with the situation that had arisen from 1982 to 1984, the Session with the unlimited time for bell ringing. We recognized at that time, I think collectively as Members of the Legislature, that situation could not persist, that it was not appropriate. In fact I find it ironic today as we debate final offer selection to hear talk about blockading and obstructionism after remembering what we went through in the 1983-84 period when the bells were rung and the Legislature could not sit. Well I use that as a parallel because in essence that is what has happened in this case with the committee.

In 1982,'83,'84 the Legislature itself was paralyzed because of the bell ringing and there was nothing that

could be done about it under the existing Rules. That is the exact parallel that we are dealing with in this situation. Here we have a committee that was functioning, a committee where Members of the Government walked out, a committee where the Minister walked out, a committee where the Chairperson walked out. The committee, even though it had a quorum, even though it recessed, even though it indicated that it would be back the next morning to deal with important matters of business, could not sit. The bottom line is that in 1982,'83,'84 we recognized collectively the problem and we negotiated, we discussed and we called together the Rules Committee to change the Rules of the Legislature.

I believe the Government's stubborn refusal to call the Rules Committee has contributed to what happened in this particular case and has contributed to the fact that this is February of 1990 and that a matter that arose in May of 1989 still has not been resolved. I believe that we should be looking at some changes to the Rules, not just in this area but other areas. I know that Government has indicated its concern that somehow the Rules Committee will be highjacked because the Government will not have a majority in terms of the Rules Committee. That has never been our tradition in this Legislature.

Rules have generally been made, Rules have been changed, by consensus of previously the two Parties, and of course currently with the three-Party situation I would assume by the three Parties. There should be negotiations. There should be discussion. No one is suggesting that we go in and have a simple majority vote to important changes to the Rules. The changes that were brought about in 1982,'83,'84 were the result of extensive discussions, extensive negotiations. They protected the rights of the Government and the rights of the Opposition in that period. We saw some major changes in the Rules in that period of time, not just in terms of bell ringing but in terms of the current limit on Estimates time. Previously there was no limit whatsoever in terms of Estimates. Discussions and negotiations took place to ensure that that was the case.

I want to raise this as a backdrop. There are many other items as we get into a discussion of what a matter of privilege is and what we should be doing with this committee that I intend to raise. In terms of the opening comments, I believe that at this point in time as a committee we can do our business. There are a number of things that we should be doing. It should be looking at ways of preventing this situation, but I would throw out this once again to the Government House Leader (Mr. McCrae), that I believe there needs to be an overall review of the Rules of our House that will deal with this and other situations. I would say that it would help this committee greatly if the Government House Leader would undertake, I will give him the opportunity right after I finish my remarks here, that there will be changes in the Rules that will be discussed and negotiated between the three Parties. I am not saying that we will completely resolve this. There was a serious situation that took place in that Committee.

I believe that it would save us a lot of time as a committee, as Members of the Legislature, if the

Government would take the opportunity now, because they are the only ones that can call the Rules Committee. We as Members of the Opposition have no ability to call a meeting of the Rules Committee. If the Government would undertake at the beginning of this committee meeting that there will be changes to the Rules, that they will call a meeting of the Rules Committee after appropriate discussions between the three House Leaders, I believe that would go a long way towards resolving the very serious situation that occurred in May.

With those comments, I would really ask the Government House Leader, and I realize I cannot ask directly, but I will give him the opportunity if other Members of the committee I am sure would not mind to hear what the Government House Leader has to say about possible changes in the Rules which might deal with this and other matters. Will he call a meeting of the Rules Committee and undertake to change those Rules?

Mrs. Iva Yeo (Sturgeon Creek): I do not know whether the intent is to have each of us present a brief opening statement. My statement will certainly be brief. I would just reiterate what my colleagues around the table have said in that the matter is a very serious matter.

We in our caucus have looked at it quite extensively. We have referred to the various Hansards with the debate that has taken place. We have looked through the evening of May 1 and 2 and we certainly concur with the Speaker's ruling. I believe, and I think we all believe, that this should be as much as possible a non-partisan thing. The alleged contempt was against all Members of the House, not just against the Opposition Members. It was a contempt that was for all the other Members.

When I listened to the Honourable Minister of Highways (Mr. Albert Driedger) when he talked about how difficult it is at 2:30 at night, that matters such as these are not always productive, I believe, to paraphrase his words, it reminded me very much of one evening at Meech Lake when decisions were made very early in the morning. One wonders how productive decisions can be when one examines the past and realizes that past practice was that committees often met on into the wee small hours. Often the individuals making presentations at the committees sat for a great lengthy period of time in order to make their presentations.

I think all of these things indicate that yes, in fact we need a Government that is responding in more of a minority way, not pretending that it is in fact a majority Government. We do need to have a fairly extensive look at some of the Rules and Procedures.

I was comforted to hear the Member of the Second Opposition indicating that they in fact believe this as well, because ever since April 27, 1988, we in fact have suggested amongst ourselves in our particular caucus some changes that we feel could make the Rules and Procedures of this entire Assembly somewhat less complex and more efficient, I think efficient for all individuals in the Province of Manitoba. I look forward to expeditious decision-making on the part of the committee.

I certainly would reaffirm what my colleague Dr. Evans has said, that if need be we should establish when at least the next committee meeting will be and those participants that we would like to hear from. I would agree that the two individuals most prominently named in this particular situation should be given the opportunity to make representation to the committee.

Mr. McCrae: This committee has been called pursuant to the ruling made by Mr. Speaker on January 10, 1990 and the motion adopted by the House, which was as follows: that the alleged matter of contempt reported to this House on October 4 by the Standing Committee on Economic Development be referred to the Standing Committee on Privileges and Elections for consideration and report.

It is clear to me and the Government Members, and I hope to Members of the Opposition, that the clear direction given to us as a committee by the House is to look at the events of May 1 and 2 in an objective manner and to report back to the Assembly with recommendations which we deem appropriate. The question before the committee is twofold: firstly, did the Minister of Finance (Mr. Manness) and the Honourable Member for Minnedosa (Mr. Gilleshammer) deliberately commit contemptuous behaviour by leaving the meeting on the morning of May 2, 1989? Secondly, if the answer to the first question is yes, then what recommendations do we as a committee propose to the House as a way to rectify this matter?

* (1040)

In order to answer the first question we have to look back at the history of the committee's deliberations and especially what mandate it was given by the House. The answer to this question is clear. On March 21, 1989, the committee met to consider the 1987 Annual Report of Manfor, the 1987 Annual Report. I, as Government House Leader, called the committee for that purpose and this was reinforced by the Minister of Industry, Trade, and Tourism (Mr. Ernst), the Minister responsible for Manfor, on pages 97, 98, 99 and 105 of the Hansard of the Standing Committee on Economic Development for that day.

The history of this House has been that committees have stayed within the mandate for which they have been called. Indeed committees have dealt with the capital and long-range plans of Crown corporations. Nobody on the Government side would dispute that argument. We, when we were in Opposition, asked questions which dealt with the long-range plans and deals which our Crowns were engaged in. However, when we were in Opposition we were never afforded the opportunity which we have now given the Standing Committee on Economic Development of openly discussing the sale of a Crown corporation while the agreement was still being negotiated. That is the matter on which I want to focus the attention of Honourable Members of this committee.

How did the Standing Committee on Economic Development come to discuss the Manfor Repap Agreement by agreement among the three Parties. Agreements are nothing new within the traditions of

this place, Mr. Chairman. Goodness knows that I, as Government House Leader, have entered into agreements with the Opposition House Leader and the House Leader for the New Democratic Party, verbal or written, in order to expedite the business of the House. There was a general desire on the part of the Standing Committee to discuss this matter of the divestiture of Manfor and, by agreement, the committee was accommodated.

Mr. Chairman, I would direct Members of the committee to the Hansard of March 23, 1989, page 119, where the Minister of Industry, Trade and Tourism said the following: "Mr. Chairman, the technical requirement is that if we pass the report the committee has no further reason to sit. In order to handle the technicality of dealing with respect to the divestiture, and in fact the Finance Minister (Mr. Manness) and the consultants are here to discuss that, I would suggest that by general agreement of the committee we will now move to that divestiture comment."

The presiding officer of the committee stated the following after the Honourable Minister's remarks, "Is that the will of the committee? Agreed. Very good.", at which time the Minister of Finance began his opening remarks.

I would submit, Mr. Chairman, to Honourable Members of this committee that at this point the committee went beyond the scope of the mandate given to it by the House. However, as I have said previously, agreement was reached in order for the committee to do this agreement.

Agreements in this place are developed and put together by partisans for their respective political Parties. A question which bears asking is: was there a caveat placed on the deal which was consummated in discussing the Manfor Repap Agreement? Yes, there was, Mr. Chairman. The Minister of Finance (Mr. Manness) stated in the Standing Committee on Public Accounts on March 16, 1989, as recorded at page 53 the following, "let me say fully that we will disclose either before or after the closing date the broad principles associated with the sale and would be very proud to do so, that we will move into fair detail with respect to the sale, but we will not be put in a position of having to explain the deal to the nth degree to a point where indeed it ends up being, for whatever reason, pretended accidental or otherwise, becomes an issue and frustrates this deal because it is a good one, and yet we will enter into open dialogue on it and look forward to doing so."

Clearly, Mr. Chairman, the Minister of Finance (Mr. Manness) was quite clear on this matter. On March 23, 1989, in the Standing Committee on Economic Development, the Minister said the following: "Mr. Chairman, what we are doing today is totally unprecedented, where the Government of the Day is entering into an open dialogue with Members of the Opposition, covering basic elements of a sale"

How much clearer did the Minister of Finance (Mr. Manness) have to be, Mr. Chairman? The parameters which were agreed to by the committee and Members of the Opposition were to discuss the broad principles

of the deal, not clause by clause consideration of the deal.

The next question is: did Members of the Opposition understand this? The answer to that one is, yes, they did. The Honourable Member for Churchill (Mr. Cowan) when questioning the Minister of Finance (Mr. Manness) in the Public Accounts Committee meeting, noted earlier, stated the following—and I would assume that he was speaking for his Party on this—he stated, as recorded at page 53 of Hansard for that day: "We recognize that there are stages of negotiations where certain matters cannot be discussed publicly" He further went on to state, at page 54 of the same committee record: "We are not asking to be involved in the negotiations. We are not asking to have details brought forward that might jeopardize the negotiations. We are not asking to be advised as to all the dotted 'i's' and crossed 't's'"

In the Standing Committee on Economic Development on March 23, 1989, the Honourable Member for St. Norbert (Mr. Angus) stated, as recorded at page 138 of the Hansard for that day: ". . . I respect the 'unprecedented nature' of the efforts the Government is putting forward . . . I appreciate the opportunity to be able to ask questions before the deal is done and hope that we can offer some suggestions, not in an adversarial fashion but in a cooperative fashion to get the best package we can for Manitobans." Those were the words of the Honourable Member for St. Norbert (Mr. Angus) on March 23.

Mr. Chairman, I believe the Honourable Member for St. Norbert was sincere. However all the sincere talk, which occurred prior to May 1, did nothing to prevent Members of the Opposition from questioning the Minister of Finance (Mr. Manness) on a copy of the agreement that they had obtained from the United States, a copy of the deal which I might add the Minister had not seen before. So much for co-operation.

The events of May 1 placed the Minister of Finance in a very difficult position, Mr. Chairman. As a Minister of the Crown, he had an obligation to the people of Manitoba to make sure that the Government was able to get the best possible deal. As a Minister, he alone was able to judge because he was the primary negotiator on behalf of the Government. He alone was able to judge whether questions posed by Members of the committee were placing him in a situation of revealing information which might be harmful to future negotiations. As a result the Minister of Finance invoked the caveat which he had placed as the primary condition in having the Standing Committee on Economic Development consider the deal. The Minister left the committee meeting.

Mr. Chairman, there is nothing in our Rule book stating that a Member of the House or a Member of committee is not permitted to leave a meeting of such a meeting. Members of the Opposition might want to refer to Rule 11 which states: "Every member shall attend the service of the House, and of each Committee thereof of which he is a member, unless leave of absence has been given him by the House." These rules are written in the masculine, but I am sure they are meant to be written in both and they will at some point.

Mr. Chairman, if Honourable Members wish to use that argument, then why did the Leader of the Opposition (Mrs. Carstairs) not obtain leave of absence from the House yesterday when she was not present? Why did the Honourable Member for Logan (Ms. Hemphill) not obtain leave of absence from the House when she was absent for a period of time in January, and the same for the Honourable Member for Brandon East (Mr. Leonard Evans) and other Members of the House, myself included? Because the reason is that this rule has become obsolete. Why? Because Members of the Legislature have a variety of responsibilities and duties outside the Legislature which require their attention and frequently prevent them from being in the House or at a committee meeting.

Indeed the Speaker has scolded Members for referring to the presence or absence of Members of the Assembly, and I am surprised that I was not scolded just a moment ago for references I made. More importantly, though, did the Minister of Finance (Mr. Manness) impede the work of the committee which it was mandated to carry out? The answer is, no, he did not.

* (1050)

The March 23, 1989, Hansard of the Standing Committee on Economic Development, at page 119, states the following, and this was the Chairman of the committee speaking: "Any more questions in regard to the '87 report? If not, is it the will of the committee then to pass this report or go to the—" It was at this point where the Minister of Industry, Trade and Tourism (Mr. Ernst), as I quoted earlier, intervened.

I would submit that by the Minister of Finance leaving the committee meeting, as a Member of the House and a Member of the committee, it was his right to do so. However, there is another angle, namely, the judgment which he made as a Minister of the Crown. The question which should be asked is, is the judgment of a Minister a proper question of privilege?

Joseph Maingot in his book *Parliamentary Privilege in Canada* states the following: ". . . parliamentary privileges concerned with the special rights of Members, not in their capacity as Ministers or as Party Leaders, Whips or parliamentary secretaries . . . therefore, allegations of misjudgment, or mismanagement, or maladministration on the part of a Minister in the performance of his ministerial duties do not come within the purview of parliamentary privilege. And neither does an allegation that a Minister permitted a budget leak constitute a matter of privilege."

Mr. Chairman, I submit that the Minister of Finance (Mr. Manness) was carrying out a ministerial function on the evening of May 1 by agreement reached earlier in answering questions of the Opposition Members. Nothing mandated the Minister to be there or even to answer questions on the Manfor-Repap deal as the committee was not mandated to study the question by the Assembly. It was mandated to study the annual reports of that Crown corporation. I should point out as well that the deal did not require the consent of the Legislature or the committee once an agreement was reached.

Clearly, the Minister was performing a ministerial role when answering questions on the deal. I understand the desire of the Opposition to question the Minister, and I am sure that if the roles had been reversed that we too would look for other methods that a duly constituted committee could invoke to have a Minister present.

I would direct the committee's attention to Beauchesne's 6th Edition, Citation 856., where it states: "When a committee decides that a certain person should be heard, it may direct the clerk of the committee to invite that person to appear, or if necessary, the committee may adopt a motion ordering that person to attend before the committee."

This citation is not new to the committee, for it invoked this procedure at its March 21, 1989, meeting when it summoned the Minister of Finance to attend that meeting, and I would direct the committee's attention to pages 99, 105, and 106 of Hansard for that day. Another option was for the Members of the Opposition to move a Motion of Censure against the Minister of Finance when the House met on May 18.

Did the Minister of Finance (Mr. Manness) obstruct the work of the committee in order to carry out its mandate? No, Mr. Chairman. Agreements such as the one reached in order to consider the Manfor-Repap agreement are arrived at in order to expedite the business of the House and part of the traditions of this place. However, there is no rule or precedent which states that the parties to said deal must keep their end of the bargain. There is no rule or precedent which states that if they do not that they will be punished for it.

Clearly the Minister of Finance outlined to two standing committees of the House the types of questions which he would entertain by Members of the committee on the Manfor-Repap agreement which had not yet, I remind this committee, been consummated. Further, the Minister was not a Member of the committee when consideration of the 1987 annual report of Manfor was being discussed. The committee had completed its work of asking questions of the Minister responsible, as I have quoted earlier, and therefore the committee was able to question the appropriate officials and pass the report, which they were mandated by the Legislature to consider. At no time was their ability to carry out their obligations blocked by the Minister of Finance (Mr. Manness).

Members of the Opposition have also raised two questions regarding the actions of the Honourable Member for Minnedosa (Mr. Gilleshammer). First, did the Chairperson of the committee breach the privilege of the Members of the committee by absenting himself from the meeting? The second question, was the Chairperson in contempt of the committee when he left the committee, despite a clear indication by a quorum present that they wished to continue?

Mr. Chairman, a closer look at the turn of events the evenings of May 1 and 2 would indicate that the Honourable Member for Minnedosa (Mr. Gilleshammer) did not commit any contemptuous act by absenting himself from the meeting late that evening or early that

following morning. Indeed, one of the necessary conditions for finding the Member for Minnedosa's actions contemptuous centres around the presence of a duly constituted committee.

I would suggest to all Honourable Members that during the course of the evening, three procedurally incorrect substitutions took place. All three of which went unnoticed by the Clerk's staff and by Members of the committee. I would like to emphasize again that at the time Mr. Gilleshammer left the committee meeting, the Members had already fallen below the necessary quorum, therefore, the Member for Minnedosa had every right to adjourn the meeting and leave the room. There was no quorum. No, there was no quorum.

To illustrate my point, I refer all Members to Hansard, pages 184, 196, 216 and 219. Although indicated at the top of page 184 that the Member for The Pas (Mr. Harapiak) was replaced by the Member for Flin Flon (Mr. Storie), and the Member for La Verendrye (Mr. Pankratz) was replaced by the Member for Arthur (Mr. Downey), this was not the case as indicated on page 216. Both motions dealing with the resignation and nomination of the above noted Members were never agreed to by the committee. There was no quorum.

I refer all Members to the Rules, Orders and Forms of Proceeding of the Legislative Assembly of Manitoba manual, Rule 71.(2), which clearly states: "A Member of any Standing or Special Committee of the House who is unable to attend the business of the Committee because of: (a) Death; (b) Long illness; (c) Resignation from the House; or (d) Resignation from the Committee, where accepted; may be replaced by a vote of the Committee." That is at pages 52 and 53. All three previously noted substitutions did not follow the correct procedure as outlined under Rule 71.(2)(d), neither substitution was accepted nor agreed to by the committee Members present, and therefore the motion was never carried.

I am sure all Honourable Members realize the importance of following the Rules and procedures of this House and would admit after closely examining the appropriate excerpts that the Member for Flin Flon (Mr. Storie), the Member for Arthur (Mr. Downey), and the Member for Thompson (Mr. Ashton) were never official Members of that committee, only observers actively participating. We recognize, actively participating, just as the Honourable Member for Thompson actively participates today even though it is not clear whether he is a Member of this committee today or not.

For a further illustration, I would bring Honourable Members' attention to the resignation of the Member for Rupertsland (Mr. Harper) as is dealt with at page 219 of Hansard. Once again, his resignation was never accepted or agreed to by Members of the committee. In fact, his supposed replacement, the Honourable Member for Thompson, was never even mentioned. The passage reads as follows, quote, this is what the Chairman said: "Just before we proceed, we have another resignation." He is reading a note I guess. "I wish to resign from the Economic Development Committee, effective technically May 1. Elijah Harper, MLA for Rupertsland."

Now, although it is indicated on page 184 of Hansard that the Member for Thompson (Mr. Ashton) replaced the Member for Rupertsland (Mr. Harper) that evening, the facts would indicate that such was not the case, Mr. Chairman. The Member for Thompson was not nominated to replace the Member for Rupertsland, and the Member for Rupertsland's resignation was never accepted by the committee.

This same procedural mistake was repeated earlier that evening with the resignations of the Member for La Verendrye (Mr. Pankratz) and the Member for The Pas (Mr. Harapiak). I would agree that committee proceedings are, by their nature, conducted in a much less formal fashion and that standards of decorum are more flexible and requirements are more relaxed in nature. Having said all this, I would add that the usage of rules regarding the resignation and substitution of Members have never, however, transgressed to the extent they did that evening.

I might add I have serious reservations about the advisability of allowing such flexibility to be considered irrelevant in this case. Indeed, it would be chaotic should a precedent be set which would allow Members to switch around with other Members during the course of a committee meeting without the approval of the committee involved, especially if, as we agree with Honourable Members, we are dealing with such serious matters which require the cutting off of people's ears and the throwing them into the dungeons. Let us put all of this into perspective.

I refer Members to the Standing Committee on Municipal Affairs held January 10, 1990 as a case in point. The Honourable Member for Ste. Rose (Mr. Cummings) was asking leave of the committee to be replaced that evening, but failed to receive prior approval of the House, a longstanding practice in the House. In response, the Member for Dauphin (Mr. Plohman) requested that all Members wanting to make changes also be given the flexibility to do so, and I quote: "so if we make an exception"—and this is the Honourable Member for Dauphin—"if we make an exception at this time, what we are saying is that, any time during the committee sitting tonight, depending on how long it goes, we would allow flexibility in terms of changing Members," and that is at page 371, whereupon the Honourable Member for Ste. Rose responded: "I am not going to set additional precedents so that we can have revolving chairs around the committee table. I will be here." And the Honourable Member for Ste. Rose remained. That is recorded at page 371.

* (1100)

All Members are aware of the procedures which need to be followed. Resignations are stated, nominations for replacements are declared, and the motion is put to the committee, whereupon their acceptance is required in order for the motion to carry. If the motion is not agreed to by committee Members, as was the case with the above three substitutions, the motion is defeated. All Honourable Members are fully aware of these rules and the importance of upholding and abiding by them, at least that is what we all say, Mr. Chairman.

In light of the above, invalid substitutions which occurred during the course of that evening, all Members will recognize that the committee had been reduced to only eight Members. The Member for La Verendrye (Mr. Pankratz), the Member for The Pas (Mr. Harapiak), the Member for Rupertsland (Mr. Harper) had left the meeting. The Member for Flin Flon (Mr. Storie), the Member for Arthur (Mr. Downey), the Member for Thompson (Mr. Ashton) were never officially made Members of the committee that evening.

Furthermore, at approximately 2:30, after the Government Members left the committee meeting, only five Members of the committee remained: the Member for St. Norbert (Mr. Angus), the Member for Wolseley (Mr. Taylor), the Member for Selkirk (Mrs. Charles), the Member for St. Vital (Mr. Rose) and the Member for Minnedosa (Mr. Gilleshammer).

I cannot emphasize enough, Mr. Chairman, the comedy of errors that occurred that evening, for which all Parties in this House ought to take responsibility, not just one. All of this went undetected by Members of the committee, and indeed by members of the Clerk's staff. So when we are talking about cutting off people's ears and throwing people in dungeons let us remember, as the Honourable Member for Seven Oaks (Mr. Minenko) would in his profession, he would not want to see one of his clients convicted on this kind of evidence, I will tell you that.

The Member for Minnedosa (Mr. Gilleshammer) did not paralyze the business of that committee because there was never a duly constituted meeting of the committee in the first place. The numbers had fallen below the necessary quorum. Allegations of Opposition Members assumed the existence of a properly constituted committee. Now, I suggest Honourable Members have a hard look at all of the events, especially the ones that I have laid out here regarding the technicalities about that meeting, and then just remember what you are doing here and what you are trying to do.

The Honourable Member for St. Norbert (Mr. Angus) claimed on May 19, 1989, at page 18, that "the Member for Minnedosa (Mr. Gilleshammer), despite clear advice from the committee on which a quorum was still present, recessed the committee and left the room." We now know there was not a quorum that night.

The same point was raised again by the Member for Wolseley (Mr. Taylor) on October 24, 1989, as recorded at page 1572 of Hansard.

The Member for Thompson (Mr. Ashton) was also found working with incorrect assumptions when he claimed on May 19, 1989, and I quote: "We found, despite the fact that we had a quorum of the committee, we were unable to resume sitting as a committee." That is recorded at page 19.

When he alleges on October 4, 1989, that the Member for Minnedosa left "a quorum of the committee, which intended to continue to do business, in a position of being paralyzed, being unable to perform its duties." That is at page 1573.

It is apparent from the facts at hand that these allegations are indeed not properly founded. The

Member for Minnedosa was not paralyzing or obstructing the work of that committee. Indeed there never was a duly constituted committee to obstruct or act in contempt of.

Allegations that the Member for Minnedosa acted in contempt of the committee and/or breached the privilege of the Members of that committee are clearly unfounded. As the Acting Chairman, the Member for Minnedosa had every right to adjourn or recess the meeting that evening.

I refer all Members to Beauchesne's Fifth Edition, Citation 593, which states: "Until a quorum is present, the committee cannot proceed to do its business if that business concerns the making of decisions. It is the duty of the Clerk attending the committee to bring to the attention of the Chairman the fact of the lack of a quorum, whereupon the Chairman must suspend the proceedings until a quorum is again present or adjourn the committee to some future time."

The fact that the numbers had fallen below a quorum and that this went unnoticed by all Members does not change the Rules. When the numbers fall short of a quorum, the business of that committee must cease. If it continues to proceed, despite the absence of a quorum, then the work of that committee cannot be accepted or considered valid.

Again, I refer Honourable Members to Beauchesne's Fourth Edition, under Citation 288, which highlights a ruling from the Parliament at Westminster and states, and I quote: "On the assumption that the committee met and proceeded without a quorum, I should be of the opinion that the committee properly speaking was never constituted and did not meet, and that none of the work done could be accepted as being the work of that particular committee." That is at page 237.

The committee, therefore, was not functioning before the Member for Minnedosa (Mr. Gilleshammer) left the meeting later that evening. In fact, any further work carried out by the committee that evening could not have been accepted by the House in the presence or absence of the Member for Minnedosa.

The question to be raised, however, concerns the melting away of a quorum once a committee has begun its work. I would suggest to all Honourable Members that the appropriate course of action is no different from that when Members fail to show up for properly scheduled committee meetings.

I am referring, of course, to the December 21, Standing Committee on Municipal Affairs. Honourable Members may recall it, December 21, just before Christmas. At that time, Opposition Members failed to attend that meeting. It was called respecting, as I recall, Bill 79. If I might add, it was a meeting which they were all fully aware was going to take place. In the absence of a quorum, the Chairman adjourned properly the meeting.

In my submission to you on May 19, and on October 4, I drew the attention of the House to Beauchesne's Citation 608, which states: "Procedural difficulties which arise in committees ought to be settled in the committee and not in the House."

I also refer Members to Beauchesne's 6th Edition, Citation 809(1), which states: "The question of whether a quorum is present in a committee is a matter that should be dealt with in the committee and not in the House." That is at page 230 of Beauchesne, 6th Edition.

Based upon precedents dating back to the late 1800s until present, this has indeed been the appropriate course of action to follow. Matters of alleged breaches of Order and Privilege, once raised in committee, have historically and traditionally been dealt with by that committee.

I draw your attention to the ruling by Mr. Speaker Jerome, on May 26, 1975, at page 66, of the House of Commons Journals regarding a matter of a similar nature, whereby Government Members left the meeting and in so doing reduced the numbers beneath the necessary quorum. Mr. Speaker Jerome ruled against establishing a precedent which would encourage a practice wherein the Standing Committee on Privileges and Elections would become a Court of Appeal on the proceedings of other Standing Committees.

It clearly states that, "Nothing could be more unacceptable as a practice which ought to be more directly discouraged." In further support of my argument today, Mr. Chairman, I draw your attention to the ruling made in the House of Commons of Canada by Mr. Speaker Lamoureux on December 4, 1973, when he stated on pages 83 and 84, of the House of Commons Debates, that there were doubts as to the advisability of having proceedings of one committee investigated by another committee of the House.

The material I presented to this committee today, Mr. Chairman, I believe, quite clearly indicates that the Minister of Finance (Mr. Manness) and the Honourable Member for Minnedosa (Mr. Gilleshammer) have committed no offence to the House. I would argue that the regret that both of these Members have expressed, both at subsequent hearings of the Standing Committee on Economic Development and in the House, should put an end to this matter.

Erskine May clearly draws our attention to precedent on how expression of regret should be handled in matters such as these in the 20th edition on page 171. He states, "Where the committee recommended that in view of the explanation of the offender and of his expression of regret for the offence he had committed, the House should take no further action in the matter."

Given the situation I have outlined, I would recommend to this committee that this be the course of action that we should be looking at long and hard. The comedy of errors of May 1 and 2, 1989, for which all Members involved that evening, from all Parties, bear responsibility, that comedy of errors should not lead to actions taken which could have serious implications, not only for the future operation of this Legislature but other Legislatures as well. Thank you very much fellow Members of this committee for your attention.

Mr. Chairman: Thank you, Mr. McCrae. I suggested to the committee at this meeting, it should decide how to proceed with this matter. We have had a pretty clear

indication from the Government House Leader (Mr. McCrae), the Government's position on the technical.

Is it the will of the committee to establish a procedure for these hearings at this meeting, or do we want to get into this never ending wrangle from a technical point of view?

POINT OF ORDER

An Honourable Member: A pretty biased statement. On a point of order.

Mr. Chairman: I am sorry, Mr. Cowan.

Mr. Jay Cowan (Churchill): It is entirely inappropriate for any Chair to make such a prejudicial and biased statement, especially after just having heard from the Government House Leader, that we are involved in a never ending wrangle. I would ask that those words be withdrawn and that people who have indicated that they wish to speak to this matter, be allowed to speak to it without that sort of inference or implied interference on the part of the Chair.

Mr. Chairman: Thank you, Mr. Cowan. I will certainly withdraw the remarks. As you know, what we were doing was looking for opening statements around the Table. Mr. Laurie Evans (Fort Garry) has the—

Mr. Laurie Evans: I want to respond to the comment from the Honourable House Leader of the Government. I think that what we are looking at here is a very serious issue in terms of what one might refer to as technicalities.

In other words, we are now attempting to retroactively rescind what has occurred at a duly constituted meeting. I think that in some respects, what the Honourable Member is doing is reflecting on the Speaker's ruling, because the Speaker obviously has taken into consideration everything that he felt was necessary to consider in making his ruling and that is clear from the fact that he took from May—when this was brought forward until October to make that ruling. I think that he was satisfied that the committee had been duly constituted and that it was functioning in accordance with the rules.

* (1110)

I would certainly be very reluctant to look at this as though the whole operation of that committee took place, essentially, in a lack of quorum or a committee that was not duly constituted. I think that the Speaker's ruling has to be regarded as having taken into consideration the actual functioning of that committee.

Going back a little earlier in the statements that the Member has made, he has argued that the mandate of that committee was to review the annual report for 1987 of Manfor. That obviously was the original mandate, but it is clear that the Minister of Finance

(Mr. Manness) was prepared, to the extent that he felt it was appropriate, to answer questions regarding the divestiture of Manfor. He brought forward expertise in the form of individuals who had the knowledge of what was going on, and they were there for the exact purpose of being able to answer those questions in detail to the satisfaction of the Opposition Members.

It is clear in the deliberations that took place on the Monday of May 1, and into the early morning of May 2, that the Minister of Finance had indicated that he had all the time that was necessary during that evening and night to answer questions. There is no doubt that the opportunity was given to the Minister of Finance to identify a time in the very near future after that meeting to hold another one. The Minister decided that he would prefer to stay and answer questions as long as it was necessary that night, and then he decided, on the spur of the moment, that he was going to leave, despite the fact that a motion of adjournment had been defeated.

While one can argue the technicalities as to the quorum and all the rest of it, I am satisfied that the meeting was duly constituted and it was operating in terms of what was expected and required on the basis of past precedent here. I certainly will not entertain the argument that the Honourable House Leader (Mr. McCrae) has put forward about this being a meeting that was essentially a waste of time because they were operating without a quorum. I think the fact that the Chairman and the desk officers at that time did not question whether or not there was a legitimate quorum leads me to believe that they were satisfied that the meeting was operating as it was intended, and certainly I feel this is a very spurious argument that the House Leader has brought forward and one that deals strictly in technicalities that are irrelevant to this situation today.

Mr. Jay Cowan (Churchill): Mr. Chairperson, it is interesting that what we have before us is a problem that really takes to the very crux of the issue of how this House operates. We are here because there was a prima facie case of obstructionism found by the Speaker and supported by the House. Yet, instead of trying to deal with the problem and how do we resolve it, and how do we make the House work better for the benefit of all Members, we are treated to a diatribe of revisionist history, ill-founded and illogical, from the Government House Leader.

I would suggest to you that part of the reason we are here in the first instance is because he does not know how to run a House, he does not know how to negotiate agreements, he does not know how to make the business of this House function smoothly, and because of that incompetence, they have been forced to resort to walking out in many different instances as a Government Caucus. Because they cannot sit down and talk about how to make things run smoothly, they stand up and walk out when things are not going their way. For him to suggest that there was not a quorum and for him to suggest that, on technicalities, there was really no committee meeting at the time that it was adjourned, is to totally ignore the reality of what happened that evening and the practices of this House.

It is interesting that, in the committee meeting before that, Mr. Manness was talking about revisionism. I want

to use a quote that he used, and I think I want to apply it directly to the Attorney General, to the Government House Leader (Mr. McCrae), in the context of what he said today. Mr. Manness said on March 28, 1989, "So we know fully well, if they want to revise history and as someone once said, God cannot lie about the history of the world, so he created historians." That is exactly what has happened here today.

The Government House Leader (Mr. McCrae) knows that he should not lie about what happened that evening, so he created a little bit of revisionist history that has no basis in fact and—

Mr. Chairman: Mr. McCrae, on a point of order.

Mr. McCrae: I resent everything the Member says about my competence and so on, but I do resent specifically the reference to lying and doing things in another way, because I do not want to tell lies. I think the Honourable Member should reflect on those comments. They really do not have any place around this table.

Mr. Cowan: If the Minister takes objection to the comment I made, which is that he does not want to lie, then so be it; I withdraw it. The fact is I did not call him a liar; I called him a revisionist. I think you will find that a revisionist is a parliamentary term. As a matter of fact, it was used by the Minister of Finance (Mr. Manness) to describe one of our Members just a meeting previous. If he does not like that handle, if he does not like that title, then let him be a bit more accurate in the way in which describes things. Please let me continue on with my comments.

An Honourable Member: Withdraw, Jay.

Mr. Cowan: There is a withdrawal. I withdraw the fact that I said you did not want to lie. If that offends you, then it is withdrawn.

Mr. Chairman: The Honourable Member does not have a point of order.

I would like to caution all committee Members, let us keep the high road here. We are discussing a very important decision. Let us keep it on the up and up here.

Mr. Cowan: We will keep the high road to the same extent that the Minister of Finance kept the high road in the meeting previous in the quote that I quoted, Mr. Chairperson.

Now let me go into the matter, the absurd arguments that were presented by the Government House Leader (Mr. McCrae). Before doing that, let me try to clarify why it is Members of the New Democratic Party and, I believe, Members of the Liberal Party, as well as all Members of this committee, should be here, and that is to deal with the situation where the Government, by their obstructionism, stopped the business of this House

and prevented Members of this Legislature from conducting the business to which they are sent here to conduct, by walking out and not agreeing to readjourn a committee meeting.

I agree with the Government House Leader to a certain extent. I do not believe that the main obstruction came, nor the main contempt on the part of the Chairperson came, when he recessed the meeting on the evening that it was recessed at 2:20 a.m. in the morning. I believe the real obstructionism and the real contempt came when they refused—and I am certain he had consultations with all sorts of his colleagues before he made that refusal—to reconvene the meeting the next day or the day after or the day after. That is where the contempt was.

We can appreciate the fact that it was late at night, even though the Minister of Finance said he was prepared to sit through the entire night. We can appreciate the fact at that time of the hour a mistake was made.

As a matter of fact, Mr. Chairperson, we could probably appreciate the fact that mistakes were made in the days following if two things happened: one, there was an apology for the obstructionism and the contempt of the House; and secondly, this committee, or the Rules Committee, were empowered to sit down and establish procedures to ensure that did not happen again.

That is what is at stake here, whether or not this House can function. We have a responsibility not to spend time trying to revise the history of the evening or to rule this committee's work out of order on the basis of technicalities which do not hold any water whatsoever.

Our responsibility here is to move forward and to ensure that any Member of this House, no matter who he/she might be, is not able to abuse the Rules in such a way that results in contempt of the House and obstructionism.

The Government House Leader (Mr. McCrae) said that both Members had expressed some regret and that is where the matter should end. I think that is half of it. It might have sufficed, had it not been for the lame excuses that the Attorney General tried to put forward in defence of his colleagues.

* (1120)

Quite frankly, I appreciate much more the approach that has been taken on the part of the Member for Minnedosa (Mr. Gilleshammer) and the Minister of Finance (Mr. Manness) with respect to how they have indicated they regret what happened that evening and have offered somewhat of an apology for that occurrence and what happened the days after. I think that was an honourable thing to do, and I think that takes us halfway to where we want to be when this committee has finished its deliberations. The other half is to find a way to ensure that it does not happen again, but this is not a matter of technicalities.

I do want to address for just one moment some of the arguments which the Attorney General and the Government House Leader (Mr. McCrae) outlined in his

comments. One, he said, there was no quorum for the evening and the substitutions were not therefore, because of the way in which they proceeded, appropriate or legal substitutions. If you look at the Hansard of the day, you will find that it says attendance quorum, six. It also says, Members of the committee present. It lists all the Members of the committee who were present at the beginning of the meeting. I will read out the last names: Angus, Gilleshammer, Harper, Helwer, Lamoureux, Pankratz, Plohman, Rose, Taylor. Mr. Enns was present, as was Mr. Manness.

Then there are a list of substitutions which are part of our official record, and we have to accept them for that reason as substitutions which fit within the work of the committee. The substitutions are: Mr. Harapiak for Mr. Storie, Mr. Harper for Mr. Ashton, Mr. Lamoureux for Mrs. Charles, Mr. Pankratz for Mr. Downey, Mr. Plohman for Mr. Storie, Mr. Storie for Mr. Harapiak. Now in those substitutions there are also Conservative substitutions for each other, and if the Government House Leader (Mr. McCrae) is so concerned about the way in which substitutions take place in the course of a committee hearing, why did he not tell his own Members not to substitute themselves in that same manner? Why would he suggest that they could go in and try to influence the committee work by voting through substitutions which he now finds to be inappropriate? The illogic of what he is suggesting should happen and why would he—

An Honourable Member: He admitted—the Member for Arthur (Mr. Downey)

Mr. Cowan: He admitted it and why did he not as Government House Leader say we cannot do that? Why did he not bring that up at that time? Why has that sort of substitution occurred after the fact, in meetings after that, if he thought it was such a problem at that particular meeting? The fact is that these were legitimate Members of the committee as for the Hansard.

Now if you want to revise history, then I suggest you are going to have to do it in a better fashion than the Attorney General attempted to do today without paying any attention to the list of Members of the committee at the beginning of the Hansard. I also want to indicate that, if he was concerned about a quorum, there is a procedure for calling a quorum and that procedure was not followed that evening. The Chairperson of that committee did not say, I am leaving the Chair because there is a lack of a quorum.

Our Rules are very specific as to how quorum can and should be called. I can tell you that in every instance of which I am aware those Rules have been followed, a Member brings to the attention of the Chair or of the Speaker that there is a quorum, there is a count out. As a matter of fact, on numerous occasions during the act of a count out, Members have come into a chamber, into a meeting, which allowed for the quorum to be continued. If it is found that there is not a quorum, then the Speaker adjourns the House. This applies to the committee; this is Rule No. 4.(2) of our Rule book: "Adjournment for want of quorum. If the Speaker adjourns a House for want of a quorum, the time of

the adjournment and the names of the Members then present shall be inserted in the Votes and Proceedings.”

Now I looked at the Hansard; I followed very carefully what happened at the end of the meeting. What happened was that the Chairperson recessed the committee and never at one time did he mention the lack of a quorum. For the Attorney General (Mr. McCrae) to want us to go back now and reflect upon the lack of a quorum that evening shows how desperately he wants us not to deal with the substantive issue. That substantive issue is the fact that committee was not adjourned for lack of a quorum; it was recessed because the Minister of Finance (Mr. Manness) had walked out, the Conservative Members had walked out and it put their own Chairperson in a very difficult position.

The Attorney General also said that the mandate of the meeting was to consider the report of Manfor. Then, if one looks at the opening remarks, and all one has to do is look at the people who have been asked to be present at that meeting, they will see that at that meeting present were Dr. Ross Lewis, of Stothert Engineering, Mr. Mike Bessey of the Policy Management and Executive Council, Mr. Norm Brandson, Department of Environmental Services. They were there to discuss specifically the Manfor deal.

If you look at why the meeting had been called, going back to the previous meeting, you will find that the last words in the committee meeting previous, by Mr. Manness, which was just before the committee rose—he was the last Member of the committee, outside the Chairperson, to speak—he said, Mr. Minister, let me say in closing that I will make myself available and hopefully the Leaders of the Parties will be able to find a date mutually satisfactory to all. That was to discuss the sale of Manfor.

In the meeting previous, the Minister of Finance (Mr. Manness) said that he was coming back to the meeting to continue the discussion on the sale of Manfor. At the beginning of the meeting he indicated that was what was going to be discussed. There were people that were brought in, especially from out of province, to hold that discussion. For the Minister now to suggest that was not the purpose of the meeting is to totally ignore what happened in the meetings previous, and then totally ignore what happened at the beginning of that meeting. It is a blatant fabrication of what he believed should have transpired that night, but what did not transpire.

There was a deal to discuss the Manfor agreement—the sale of Manfor. The Attorney General (Mr. McCrae), the House Leader, said something very interesting. I think I have quoted him as closely as I could get it on the run. I did so because I think it is very important for us to understand what went wrong on that night and what has been going wrong in this House, day after day after day, because of his incompetence to negotiate or to reach an agreement with the Parties as to how this House should function. That is a very important part of keeping this House functioning, because we can test each other's wills from time to time.

In the past we have always, almost without exception—I can think of a couple of exceptions, but

it certainly has not been a practice. We have always negotiated our way through difficulties rather than try to bull our way through difficulties. One thing the Attorney General (Mr. McCrae) said in his comments today leads me to a better understanding of what the real problem is. He said there are no rules of precedent, that parties to a deal must keep their end of the deal. Think about that for a moment. That gives you a very clear indication of how valuable his word is. He does not think that one has to keep their end of a deal, because there are no rules or precedents that force one to keep their end of a deal.

That is how he has operated from Day One as Government House Leader (Mr. McCrae). That is why they find themselves in a position where they cannot negotiate their way out of a meeting in the evening. They have to walk out. They have to not keep up their end of the deal by walking out. They do so because they are obviously getting advice from their Government House Leader that says, you do not have to worry about it, because there really is no rule of precedent that says you have to be an honest broker with respect to the deals you make, in that you have to fulfil your obligations under those deals.

That has been a problem. He does not keep his word on numerous occasions. That has been a difficulty. Mr. Chairperson, he said that there was agreement among the parties to discuss the Manfor deal. Then he says that the caveat was that they would not disclose certain issues which would jeopardize negotiations. The fact is, we agree with that.

The Member for St. Norbert (Mr. Angus) and myself have said on many occasions that we understand that there are points in negotiations where the disclosure of certain facts might jeopardize the negotiations. He also said that there had been no precedent, no other opportunity for Members of a committee to discuss a deal in that nature before it had been completed. That is another total fabrication.

When the sale of Flyer was being negotiated by the Government there was a share purchase agreement. That share purchase agreement is much the same agreement as was being discussed on the night of the committee hearing. That share purchase agreement was sent to committee before the deal was consummated on one, two, or three occasions. I believe it was two occasions.

The Minister of the day, who was responsible for the sale, invited all Members of the committee to ask questions on that share purchase agreement before the deal was actually finalized. Indeed there is precedent, and there is an example that they could have used as to how we could have dealt with that share purchase agreement and before the deal was being consummated. The real problem was, that night, not that there was a lack of quorum, not that we were on the wrong subject matter, the real problem that night was that the Minister of Finance (Mr. Manness) was not prepared to answer questions on a deal on the basis of a document that was already in the public domain.

* (1130)

Once it was already in the public domain the Member for St. Norbert (Mr. Angus), myself, and other Members of the committee considered that it was a legitimate vehicle for the asking of questions, for the formulating of questions. We were not jeopardizing anything; we were not trying to pull out any information which was not already a part of the public domain. All we were trying to do was to ask questions around the document which had already been made public elsewhere and had just been made public in Manitoba. That was a deal which the Minister of Finance (Mr. Manness) pretended to know a great deal about during the course of the evening. I found it somewhat shocking for the Attorney General (Mr. McCrae) to say today that was a copy of the deal which the Minister had not seen before.

An Honourable Member: Unbelievable.

Mr. Cowan: That is unbelievable. It also again does not reflect what happened that evening because when we talked about the share purchase agreement with the Minister of Finance (Mr. Manness), he was very, very informed as to whether or not that was the final package, whether or not there would be changes made to that package. He seemed to know what he was talking about. The problem was that he did not want to talk about it. Now for the Attorney General, for the Government House Leader (Mr. McCrae), to say that the Minister had never seen that deal before does not at all reflect what had actually been said that evening.

He said that the Government's obligation was to ensure that the Government was able to get the best possible deal. Mr. Chairperson, we believe that is not only the Government's obligation but that is the obligation of all the Members of the Legislature. We believed it when we were Government, when we provided the share purchase agreement for the Flyer deal before it was consummated. We believe it in Opposition. We think that all of us have an obligation and a responsibility to ensure that Manitobans get the best possible deals through our work here. We do not believe we can do that when the Minister is not prepared to answer questions, but we understand the Rules. We understand the Rules that we cannot force a Minister or a Government to answer questions, but we feel it is even much more difficult, unfair, unprecedented and unparliamentary for them not just to refuse to answer questions but to walk out en masse on a committee where those questions are being asked. The fact is, they have an obligation, we have an obligation. They were not allowing us to live up to our own obligation and our own responsibility.

He says there is nothing in the Rules book that forces a Member to be present. There is Rule No. 11 which calls for leave of the House. Then he said because that Rule has not been invoked when the Leader of the Opposition (Mrs. Carstairs) left or when he left or when someone else left, it was really a Rule that was of no value. The fact is when the Leader of the Opposition leaves or when any of us leave, as long as there is a quorum in the House, we do not stop the business of the House. I believe that Rule was put in there to make certain that the business of the Legislatures and the

Parliaments could continue on and that there could not be walkouts of the sort that there have been which are unprecedented.

When the Leader of the Opposition, whether it is the official Opposition or the New Democratic Party Caucus, or when any one of us, or any group of us, leave this House, we do not seek leave because by our leaving the House we are not disrupting the business of the House. I can tell you, Mr. Chairperson, if it was to disrupt the business of the House we would seek leave because we do not want to stop the business of the House by using tactics which are unparliamentary and contemptuous of the business of the House. The fact is, the reason that it has not been used is that the normal absence of an individual does not bring the House down, but when the Minister and the Conservative Caucus Members and the Chairperson left, it did impede the committee.

Let us take a look at what actually was said that evening with respect to the length of time of the committee. We knew that we had a number of questions to ask, and on page 211 of the committee I made the following statement: "Then I would suggest, Mr. Chairperson, that we should continue on, and I would suggest that it will take us most of the night to answer your earlier question and probably into the morning." Now the earlier question was, how long are we going to sit?

Mr. Manness' comment at that end was, well, I am sorry, we are going to walk out. It was not: we are going to walk out at 2:20, or: I am sorry I can only stay until three o'clock, or: I am sorry, I can only stay until one o'clock. His comment was a very definitive: so be it; so be it. It sounds like the captain on Star Trek, make it happen.

The fact is, he agreed that we would be there, if necessary, through the night and probably into the morning. A bit later, Mr. Angus had made a statement with respect to the time of the committee meeting and the Chairman said: Very well put, Mr. Angus. Mr. Minister. Mr. Manness said: Mr. Chairman, I am sorry, but in reviewing the timetables of Mr. Bessey and myself, there are no other options available this week. The suggestion was that we meet later in the week, the next day, and later in the week. So I would suggest that we continue through the night.

An Honourable Member: Who suggested that?

Mr. Cowan: The Minister of Finance said, I would suggest that we continue through the night. When we told him that in fact we would probably be there most of the night and into the morning, he said, so be it, agreed, and then he even, himself, not two paragraphs later said, we shall continue through the night.

The fact is, Mr. Chairperson, that is not an uncommon practice, or it is not an unprecedented practice. I should say it is uncommon and it is unusual, it is not an unprecedented practice of this House to have committee meetings go through the night. It has been done when the Conservatives were in power previously and it has been done when the NDP has been in power.

None of us like it. We try to avoid it by suggesting that we have other meetings during the day.

The Minister of Finance disagreed with that. He said it was impossible for him and his staff to be there, so let us go the full night. It was their choice to go the full night, not the committee's choice to go the full night. We were only operating under the assumption that they were prepared to sit there through the night, if it took us that long to continue our work.

The question, therefore, is not whether or not there was a quorum; there indeed was a quorum. If there was not a quorum, if one wanted to make the argument there was not a quorum, then there are ways of adjourning a committee for the lack of quorum and they were not followed.

The Hansard shows that there was a quorum, that substitutions were appropriate. The Hansard shows that there was no adjournment for a lack of quorum, so that is a facetious argument, absurd argument, a pathetic argument on the part of the Attorney General.

I want to make one other point and then a suggestion. The other point—I am sorry, I want to make one other comment with respect to whether or not the Minister was prepared to sit through the evening. He also said later on page 214 of the Hansard, "The evening is open. I am prepared to answer questions through the evening." Through the evening, he had said earlier, through the night, he had said earlier, probably into the morning.

The fact is, Mr. Chairperson, I want to talk about commitment and the fact that the House Leader for the Government does not feel that it is necessary to keep commitments, because there are no rules or precedents that Parties to a deal must keep their end of the deal.

Listen to what the Minister of Finance (Mr. Manness) said, which is somewhat different. He said, "I take seriously all the commitments I make. That is why we are sitting here tonight. I made a commitment some three weeks ago to report back to this committee, with respect to certain processes at The Pas. That is why we are sitting here. Indeed, the initiative that was called into place to have this meeting sit was because finally, last week, I received some detail from Repap and that allowed us to make this presentation tonight. I am very cognizant of commitments I make, and I try to carry through on them."

Well, the commitment he made was to sit through the evening. The commitment he made was to call the committee meeting to discuss the Manfor deal. There was no restriction as to the type of questions we could ask. There was only a caveat on what answers would be provided and we accepted that. If in fact the answers were such that they jeopardized the negotiations, we would try not to press, although that was a decision that all of us had to make, not just one Party, and we agreed that we would continue on until those questions were put.

The fact is that the Minister of Finance left the committee meeting, the Conservative Members left the committee meeting, the Chairperson recessed the

committee meeting, and what is even more contemptuous is they refused, along with the Government House Leader, to bring that committee back to Session the next day, the day after or the day after. That is contempt.

Let me define what contempt of the House is. As May suggests, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions or which has a tendency, directly or indirectly, to produce such results may be treated as contempt even though there is no precedent of the offence.

The fact is that, when they left the committee, whether there was a quorum in the Attorney General's mind or not, not only did they break their commitment and break the deal, they also undertook an action which impeded the work of the House, obstructed the work of the House, and that is contempt. That is why we are here today, not to listen to silly arguments by the Attorney General as to why we should not be here, but to figure out how we stop that from occurring in the future.

* (1140)

There is a way that can be done. I would suggest, as has the House Leader for my caucus, and I think others have indicated agreement with the process, that we immediately call the Rules Committee. The Rules Committee would be empowered to deal with this specific issue, as well as any other issues, which Members want to bring forward with respect to how they feel the business of this House can function better. That is not necessary just because of this incident, although it is predicated upon this occurrence. It is necessary because we are in a new realm of Government which is not one with which we have a great deal of familiarity.

We are in a minority Government situation now. It is possible that after the next election we will be in a minority Government situation. We have an opportunity now, as a minority Government situation, to take a look at Rules which were established for majority Government circumstances and to see if they apply well to a minority Government situation, and that may be to the advantage of the Government.

If I were the Government, I would want to put a Rule that says the committees shall end their discussions at midnight. Who wants to sit here past midnight? That would prevent any such occurrence of this from ever happening again. The committee would automatically shut down at midnight, just as the House automatically shuts down at ten o'clock, or eight o'clock—excuse me, six o'clock.

There is precedent for that rule. Maybe we can make it 12:30, maybe we can make it 10:30. If you ask me, I would prefer to have it at nine, because I am getting older and go to bed earlier, but I understand that others are much more vigorous in their lifestyle than I, and if they want to stay here till 12, I would be prepared on the odd occasion to keep my eyes open until twelve o'clock to make certain that a quorum was maintained if that was required, although I would try to get myself

off the committee in the first instance, not through a substitution of the sort which the Attorney General finds offensive, but other ways.

The fact is that could be one of the things that we discuss at the committee. We can also discuss how it is the majority Party, in a minority situation, the governing Party, deals with the fact that they cannot rule the House as they can in a majority situation. They have found that from time to time, they believe that makes it difficult for them to operate.

We could also, from a minority Government, or from a minority Party situation, put on the Table suggestions in the true spirit of negotiations and consensus building, and that is the way the Rules Committee operates. Ideas that we have with respect to making the House function better and protecting the rights of all individuals, protecting not only the rights of the Government, but the rights of all Members, and when would one have a better time to do that than when one is in a minority Government situation? That forces the process, that forces the negotiations, that forces a consensus. Why is it that this Government has been afraid to call the Rules Committee, even although we have asked them to call the Rules Committee on numerous occasions since they have been elected to Government?

As the Member for Thompson (Mr. Ashton) said, the fear is that the minority Parties would hijack the committee. I do not know if he has gotten that directly from the House Leader, or if he has inferred that from comments, but that certainly is my analysis as well.

I can tell him that we are not here to obstruct the business of the House; none of us are here to obstruct the business of the House. We are here to make certain that every Member has their right to participate fully in the business of the House and to ensure that, where necessary, the Government has the ways that are required of it to make the decisions upon which it will be re-elected or not be re-elected.

We understand that is the way the process works, and we accept that. The fact is that the Rules Committee, in a minority Government situation, is the best type of Rules Committee and the best timing for a Rules Committee to make decisions on how to operate in a minority situation.

I think we have an opportunity available to us that has been available to us for the past couple of years, but the Government has been afraid to enter into those negotiations. I understand why, because they are not very good negotiators, but we will help them. I say, we, all Parties will help them try to strike as good a deal as possible to keep the House functioning. They need not fear a hijacking. They only need fear what will happen if they continue to refuse to call the Rules Committee and this matter is not dealt with. So there definitely was obstructionism on the evening that the committee shut down, notwithstanding the revisionist, pathetic, absurd arguments of the Government House Leader. (interjection) The Minister of Labour (Mrs. Hammond), a real trailbreaker on the high road, references the fact that this is not the high road.

I will tell you what was not the high road. It was the lowest road that I have ever seen taken in this

Legislature when the Minister of Finance (Mr. Manness) walked out of the committee meeting along with his Conservative colleagues and the Chair walked out and did not come back. That is the low road. That is about as low as you can sink, except for the desperate attempt by the Government House Leader (Mr. McCrae) today not to apologize for what happened, but to try to distract people from the real issues at hand because they are afraid to call the Rules Committee.

Mr. Chairperson, there will be time to discuss that particular suggestion, but I hope when it is discussed the Government will not react out of fear as they have in the past, but will react out of a desire, a true desire to make the House function as best it can on a minority Government situation. Perhaps by this sad event in the history of this Legislature we are able to bring some positive ideas forward and turn it from a negative event, of which none of us should take any pride, into an event that we are able to use to make our work easier and to make our responsibilities more clearly known and to set up procedures and practices that ensure we are able to work to the degree that we feel is necessary to live up to our obligation to ensure that the Government gets the best deals in whatever deals it makes and at the same time ensure that the minority and the majority voices in this Legislature have the opportunity to make themselves heard.

Mr. Chairman: Thank you, Mr. Cowan. Mr. Praznik.

Mr. Praznik: Mr. Chairman, I come to this committee the same way as many other Members sit here in that we were not part of the incidents of that particular night or part of that particular committee's activities.

I also come to this committee not having participated in the debate in the Legislature as to whether this matter should come to the Committee of Privileges and Elections, nor I would add, did I vote on that matter.

I did so knowing that I was a Member of this committee, because I wanted the opportunity to judge this, I think, in as unbiased manner as possible, given that I am a Member. One has to appreciate the politics that we all bear.

I really would like to see this debate move on, but I am forced to make one comment with respect to the speech from the Member for Churchill (Mr. Cowan). I find it very unbelievable when the Member for Churchill says that his Party and he in particular have done nothing to obstruct the business of the House.

As a new Member of this House, as I sat in my third-row desk, on numerous occasions I have seen the Member for Churchill in his role as NDP House Leader purposely push Members out of the House, tap his own Members on the shoulder, try to push Members out in order to do a quorum call. I even saw him on one occasion push the Member for Transcona (Mr. Kozak) into the Speaker's Chair in order to get a quorum call. In no case did he ever seek the permission of the House to do so. I just find it unbelievable that he makes those arguments when he is probably one of the most partisan Members of this House who knows the Rules very well and uses them, even beyond the Rules on occasion, to fulfill his ends.

Mr. Chairman, what I would like to do now is have this committee look at—really, there are three issues here, there are three levels of issues. There is obviously the political debate that is going to be part of any committee of this Legislature of the House. We have witnessed a good portion of that in the last few minutes.

Mr. Chairman, there are also a couple of other major levels of discussion. The first one, of course, is the—the second one, I should say, is the question of contempt put to this committee by the Speaker. That is a very serious charge. That is a serious decision that this committee has to make, and it is one that involves, needless to say, a good look at the events of that committee. Indeed, the Member for Fort Garry (Mr. Laurie Evans) made reference in his opening comments to Hansard and the record of Hansard. I think when we examine that record, we see a whole host of errors on the part of the Clerk's staff, on the part of the Chair, Mr. Gilleshammer—and I acknowledge that—on the part of Members of that committee, in fact, of all parties. Perhaps the Liberal Party was the only one, truly at that time, at 2:30, that had its full contingent at that committee duly constituted, and I fully acknowledge that.

* (1150)

When one looks at those issues, the matters and arguments raised by the Government House Leader (Mr. McCrae) become a very important part of that consideration, because when you are dealing with questions of contempt, when you are dealing with the actions of the Chair of that committee, one has to look at whether or not there was a quorum. That is very fundamental—and how that was constituted. I say this to the Member for Churchill (Mr. Cowan), that is not to dodge the issue, but if you are looking at what happened, one has to look at those very technical matters that are on the record of Hansard. That is critical.

If this committee is going to make a ruling that indeed Members of this House were in contempt, then every aspect of that contempt has to be met. If the Member for Churchill (Mr. Cowan) or other Members are not comfortable with dealing with this issue from that basis, then perhaps they should not be at this Table, because we are in essence a court of law judging our colleagues in this House. If we were sitting on a court as a judge, judging any of our constituents, we would have to look at all those aspects. That is not to say that there is a third level of debate at this committee. In fact, I think out of this whole issue, it leads naturally to this level of discussion, and that is on the Rules of our House.

I can tell you, as a Government backbencher, that I share a great deal of frustration in the current Rules of this Assembly. One of them has to deal with the way we examine Crown corporations. Indeed, our whole process of bringing Crowns to committees of this Legislature to hear their annual reports, I think, is really nonsense. I say that because if you look at the record, what is the penalty if a committee of this House does not approve the annual report of any Crown corporation? What is the penalty? Does the Crown corporation shut down? No, it does not. There is no

penalty. When you look back on the record I understand that Flyer Industries, for example, their '84, '85 and '86 annual reports were never approved by committees of this Legislature.

The reality of it is, as Members of this House, we all would like the opportunity to examine Crown corporations, and so we use this requirement of approval of annual reports to do that, with all its limitations and requirements for agreement in order to expand those limitations. We bend the rules. That kind of structure leads to, I would say, the disastrous course of events that took place, and not disastrous for the Government or for one Party, but for all of us as Members of this Legislature.

During the course of these discussions, I have heard some comments about whether there was a quorum, and that is facetious argument, and it is a silly argument. It is not a silly argument. It is not being put forward to say that the Member for Minnedosa (Mr. Gilleshammer) was right or wrong in walking out to recess, or recessing that committee, or walking out at that time. Indeed, the question before this committee is, was there a contempt in doing so? But, if the quorum had fallen below that number at that time, then anything that committee did at that particular time, Mr. Chairman, was not proper. The committee did not exist. That is something that this committee has to examine in dealing with the contempt charge.

Mr. Chairman, when you go over the records of Hansard, and I have looked at those records very closely, you see a whole comedy of errors. At no point did the Clerk's staff, the Clerk, advise the Chairman. At no point did any Member raise questions about it, but it is certainly part of what this committee would have to look at in finding contempt.

That does not mean that the Member walking out or recessing the committee was something that should happen, but if there was no committee constituted at that time, then I cannot see how one can send a contempt charge or a recommendation that there was contempt back to the Legislature.

The Government House Leader (Mr. McCrae) also raised another very important issue that I think has been kind of pushed aside by Opposition spokesmen a little bit. It is one that this committee really has to look at very seriously in the question of contempt. That is what responsibility Ministers have in coming to the Legislature or committees of the Legislature. We obviously know, if they need the approval of the House or a committee of the House, that they have to come to the committee of the House.

There are a lot of things that happen in Government that are within the Executive branch, in which case the responsibility is that of the Government to the House, and a question of confidence. I raise that not to put up a stone wall in dealing with a lot of the issues that come out of that whole matter, but if you are going to look at those from the aspect of contempt, then you have to look at the technical matters that are part of that.

Mr. Chairman, I raise that because I think what we are going to get into, as a committee, if we deal with

strictly that contempt matter and its technical aspects, is a long wrangling on issues and points. I think there is a consensus here, or I detect a consensus from discussions with Members in the House and from Members of this committee over the last number of months, that there is a great desire to see us as a Legislature clean up our rules and come to some consensus, an all-Party consensus, with respect to the kind of rules we need to operate.

Indeed, the Member for Fort Rouge (Mr. Carr), the Member for Flin Flon (Mr. Storie) and myself had the opportunity to talk with other parliamentarians, through the Commonwealth Parliamentary Association, about things that are on their agendas for rule changes. What became very evident in our discussions is the way we operate as a Legislature is very much behind the times for other Legislatures. At 2:30 in the morning, at a committee meeting, which probably should have never happened at 2:30, and we acknowledge the Minister agreed to that, to be there till late in the evening—but that does not excuse the fact that we have a problem as a Legislature in the way we operate. I would hope that if we deal with matters of contempt, Mr. Chairperson, that this committee does look at all those aspects fairly.

Yes, this committee may not be happy with the way Mr. Gilleshammer behaved, but it has to acknowledge that there was a quorum problem at 2:30 in the morning. It may not be happy with the way matters were handled, but it has to acknowledge that rules were not followed by Mr. Gilleshammer as Chairman, by the Clerk staff in doing substitutions. That is as much a part of the debate on contempt as any other issue.

It also has to acknowledge that there are some fundamental questions about ministerial responsibility and the lines that are drawn around it with respect to committees. It also has to acknowledge that we have a problem with the way in which we bring our Crown corporations to committees in that it is not really an effective way for Members of this House, Government backbenchers or Opposition Members, to question Crown corporations.

I would hope, Mr. Chair, that we can move off that political question. I am hoping that this committee will recognize there were a whole host of problems that evening for which everyone was responsible, and we can get to the rule changes, to discussions about where we go on cleaning up our whole act as a Legislature so that these kinds of problems do not happen again.

Mr. Chairman: Thank you. Mr. Carr.

Mr. James Carr (Fort Rouge): I will be brief and focus in mostly on one narrow area of debate this morning. When we walked into the committee room, we were asked, some of us, by members of the press, if we expected fireworks. The response from some of us was, well, we hoped not, because it was a serious matter that was to be raised. We thought it could be dealt with, with reasonableness and tolerance.

I am disappointed in the way the debate has unfolded this morning. I am particularly unhappy and surprised and disappointed at the speech of the Government House Leader (Mr. McCrae).

Mr. Chairperson, on two occasions, on the 4th of October, when the Government House Leader had an opportunity to advise the Speaker before the Speaker had in fact made a ruling, and again on January 10, when the Government House Leader made a speech in the House commenting on the ruling and advising as to whether or not the matter ought to be referred to this committee.

* (1200)

On neither of those two occasions did the Government House Leader raise the issue of quorum. On neither of those occasions did the Government House Leader say to the Speaker on October 4, when the Speaker was asking for advice, or on January 10, when he was commenting on the appropriateness of debating the matter at this committee, that the Committee of Economic Development was improperly constituted or there was a problem of quorum. Neither, Mr. Chairperson, was that issue raised on the evening of May 1, May 2, itself. It raises and begs the question, why the Government House Leader is bringing up that issue today in front of this committee, when on at least two other occasions the Government House Leader had an opportunity to bring it up. Implicit in that comment, Mr. Chairman, is a reflection on the decision of the Chair. Let me read from the January 10 speech of the Government House Leader (Mr. McCrae). This is the very speech where no mention was made of quorum.

I am quoting: "It does the NDP no good either to invoke the name of the Speaker when it comes to anything to do with this House, because they, like their friends in the Liberal Party, routinely burn the Speaker and show no respect whatsoever for him. Speaking out of the other sides of their mouths when on the day of his selection they were so pleased that this Speaker would take his place in this Chamber and be respected by all of the Members, and we talk about all the respect we have for the Speaker and for each other, and then we act the way we do."

Mr. Chairperson, if the Government House Leader had, in his possession, facts and figures and evidence that that committee was somehow not constituted properly, and did not raise it on the night of May 1 and the morning of May 2, and did not raise it in his speech of October 4, when he was asked for advice before the Speaker made his ruling and did not bring it up again on January 10, when he was asked to advise the House on the appropriateness of referring the motion to this committee, then we can only assume that the Government House Leader (Mr. McCrae), in preparation for this committee, was trying to justify a technicality.

Mr. Chairperson, all of the evidence that has been brought before this committee is that there were never at any time fewer than six Members present on the evening of May 1. If there is evidence to the contrary, the Government House Leader had an obligation to bring that to the Speaker's attention in his speech of October 4 or on the debate that was to discuss the referral of this very important matter to this committee.

Mr. Chairperson, if we can try to refocus the debate a little bit. Beauchesne's 4th Edition, Citation 108.(1)

offers the following definition of contempt and I quote: Anything which may be considered a contempt of court by a tribunal is a breach of privilege if perpetuated against Parliament, such as wilful disobedience to or open disrespect of the valid rules, orders, or process, or the dignity and authority of the House, whether by disorderly, contemptuous or insolent language or behaviour or other disturbing conduct or by a mere failure to obey its orders. A mere failure.

Mr. Chairperson, in his ruling, the Speaker says and I quote: "With respect to the actions of the Honourable Minister of Finance (Mr. Manness) and the former Chairperson of the committee, the Honourable Member for Minnedosa (Mr. Gilleshammer), the information provided has established, on the basis of the definitions of contempt cited earlier in this ruling, a prima facie case of contempt or privilege."

Mr. Chairperson, this is a very serious matter that runs the risk of bogging down in all kinds of irrelevancies, side political issues, and debate of a nature that is not befitting Members of this Chamber of this House.

Let my last words be an appeal to all Members of this committee, that we address the issue before us in as sensible and as sensitive a way as we can, and that we avoid the tangents and the irrelevancies which, unfortunately, have characterized most of this morning's debate. Thank you, Mr. Chairperson.

Mr. McCrae: Mr. Chairman, I do not propose to dignify the comments of the Honourable Member for Churchill (Mr. Cowan) with any particular response, although in my comments I will indirectly respond to the Honourable Member for Churchill.

I do not appreciate his attitude towards this serious matter. I do not appreciate some of the words that he uses to express himself. For that reason I will not dignify his comments with a response.

Something the Honourable Member for Fort Garry (Mr. Laurie Evans) said gave me cause for concern, and I felt that I should deal with it. He suggested after I finished making my comments that somehow I was reflecting on the ruling of the Speaker. With all due respect to the Honourable Member for Fort Garry, and with the greatest respect also to Mr. Speaker, I must protest that I was not indeed reflecting on the Speaker's ruling. The Speaker suggested that this was a prima facie matter. "Prima facie" means that there is evidence on its face that ought to be examined in the committee. In my comments earlier what I was undertaking was indeed an examination of the issues involved, and I certainly never would have intended that my comments should be interpreted by anyone as being reflective of the Speaker.

Indeed, since this Legislature began, either in the first Session or in this one, not once have we moved to, as we call it, "burn the Speaker," where the Honourable Member for Fort Garry cannot make the same claim, nor can Honourable Members in the New Democratic Party.

So we are judged, Mr. Chairman, by our actions probably more than by our words. First off, I would

deny any accusation of reflecting on the Speaker. I am sorry if that is the way the Honourable Member interprets it, but that is certainly not the way it was intended.

I would like to respond very quickly also to the Honourable Member for Fort Rouge (Mr. Carr) who makes his comments, I hope and I suggest and believe, in a constructive fashion. He makes much of the fact that we did not raise in discussions in the Chamber on this matter the issue of a quorum, which did not exist in the Standing Committee on Economic Development on the night of May 1 and the morning of May 2 of 1989.

Here again, Mr. Chairman, the matter was referred on a prima facie basis to this committee for further examination. At the time we were discussing the issue in the House, it was to persuade the Speaker, either one way or the other, that there was or was not a prima facie case that ought or ought not to be sent to this committee, and we dealt in a preliminary way, much as we might in a criminal situation, deal in a preliminary way with matters at a preliminary hearing.

An Honourable Member: When did you know about that?

Mr. McCrae: The Honourable Member asks when I knew about it, and I will deal with that. Let me say that it is part of that criminal system, and I do not think the analogy is all that incorrect when the Honourable Member for Thompson (Mr. Ashton) wants to talk in the context of all of this about cutting people's ears off. I really think it is probably appropriate that I make a criminal court analogy.

Not all matters are canvassed at preliminary hearings. Hopefully, all matters are canvassed at the trial of the matter. This is the case where we are here. We are sitting in judgment on two of our honourable colleagues. So the Honourable Member for Fort Rouge (Mr. Carr) criticizes us for not raising the issue of quorum earlier on.

I can tell you that since after the Speaker's ruling, indeed, much work was done by members of our staff and by Members of our caucus in preparation for today's committee. On a careful review of all of the events leading up to and including the events of May 1 and 2 of 1989, it came to light very clearly that there was indeed no quorum that night. So while it is a technical matter it is nonetheless a very important one.

If Members of the Liberal Party want to ignore that very important technical matter and proceed in this so-called criminal proceeding against two Honourable Members of our House, let them stand up and say so.

So I hope that explains why the matter of the quorum came up at this time and not in the House when we were discussing the matter in a prima facie way.

* (1210)

Now Honourable Members have suggested that perhaps the best way to deal with this is to take a good look at our Rules, as the Honourable Member

for Osborne (Mr. Alcock) said in the House one day, I think on a grievance—yes, on a grievance, one of the many grievances that we have had to endure in the course of the last two Sessions, not only from the Members of the Liberal Party but also from the New Democratic Party—but in that grievance the Honourable Member for Osborne (Mr. Alcock) did say some things about how our Rules were designed in those times of majority Government. I have tried to be consistent and recognize that we are working in a minority milieu here in this place. There are many, many changes that could be looked at.

I do not quarrel with the idea of having a look at our Rules, but I also recognize that we are in a minority situation and such a view or such an examination of our Rules should be done in a co-operative way, and by way of consensus. I said I was not going to dignify the comments of the Honourable Member for Churchill (Mr. Cowan), so I will not, but I think I have sort of indirectly dealt with what the Honourable Member for Churchill was talking about, and that is that perhaps the Rules Committee is the proper place for this particular matter. I tend to agree because I do not want to see anybody's ears cut off, as a matter of fact.

Mr. Chairman, I would move that this committee report to the House its recommendation that the subject matter of this committee's deliberations be referred to the Standing Committee on the Rules of the House.

Mr. Chairman: Mr. McCrae, did you want to put that motion in writing?

Mr. McCrae: Yes, sure.

Mr. Chairman: Moved by the Honourable James McCrae (Government House Leader) that this committee report to the House its recommendations that the subject matter of this committee's deliberations be referred to the Standing Committee on Rules of the House.

An Honourable Member: What is this subject . . . Mr. Chairperson?

Mr. Chairman: That is the motion, like the legal—I call it wrangling. I think that is more or less what subject matter is. Did you want to debate this? Okay then, it is Mr. Ashton that actually is recognized by the Chair.

Mr. Ashton: Mr. Chairperson, I just want to open by referring to what I would say are probably the three most difficult things for anyone to say: I was wrong, I made a mistake, and I apologize. That is, I think, what Members of this committee today had hoped we would hear from the Government House Leader (Mr. McCrae), that there was recognition that what happened on that evening was wrong, it was a mistake, and that the committee Members, the two individuals in particular we are dealing with, apologize.

We have all had to do that. I have been a Member of this House for eight years and I must admit I remember one occasion when I was that close to being thrown out of the Legislature too. How can I forget it?

I had accused a number of MLAs of potentially having intercepted my mail. Somebody had. I had said that it had been sent to my old office, which was now occupied by four Conservative MLAs, and that I believed they had intercepted the mail. I believed I was right. I believed I was absolutely right, but you know there was the other side to it. The Members objected. They felt that they were unfairly being accused by my statements. Whether or not my mail was intercepted or not, I was wrong to insinuate that those other Members had done it.

Do you know what I did, Mr. Chairperson? I apologized, I withdrew my comments. I withdrew it in the Chamber. In the eight years that I have been a Member of the Legislature, going on nine years, I have not been thrown out of the Legislature. It is because at times we all make mistakes. I had been willing to say I was wrong, I made a mistake, I apologize.

I wish in a way that the Minister of Finance (Mr. Manness), the Member for Minnedosa (Mr. Gilleshammer), were here today, because I still have this hope that we are going to hear those things. We are not hearing it from the Government House Leader (Mr. McCrae). When he spoke in the Legislature, January 10, he really stated the position of the Government, and this is one of the problems with what we are dealing with today. He stated, Members of the Government Caucus, who were Members of that committee, have nothing to apologize for at this time.

Mr. Chairperson, when I spoke before I quoted Beauchesne's and I got it back into some of the historical precedents in terms of Before the Member for Brandon West, the Government House Leader (Mr. McCrae), attempts to talk once again about cutting off ears, I said right at the time, these are the kind of historical precedents that are there, and we are not looking at that now. This was an historical footnote, in terms of what was happening. I raise that, in a way, to put this whole thing in perspective.

Let us say that this was not the Legislature and this was a council, city council, let us say the Thompson City Council, my own community. I would like to ask people just to think what the residents of my community would say if there was a meeting of the city council, one of the members of the city council was making a presentation to that city council, some members of the city council moved to have the council adjourn. They failed to have the council adjourn, the person making the presentation left, and then the mayor or the deputy mayor, whoever was running the meeting, also left, leaving people with a meeting that was still officially constituted, but with no way of continuing its deliberations.

I use that analogy because that is what we are dealing with here. Is there not some sense that it is wrong to walk out of a committee, that it is wrong to leave the committee in that situation? I am amazed the Government House Leader (Mr. McCrae) today, after having spoken on May 19, June 2, October 4, January 10, and other Members of his caucus on January 11 would come in here and suggest that there was lack of a quorum in there.

Mr. Chairperson, how much longer do we have to sit here for some recognition from the Government that

what happened that night was wrong? I just looked at the transcript again. There was no mention of quorum in here. There is reference to quorum being present, there is reference to all the substitutions that were made and then, on the final page of the Hansard, committee recessed at 2:22 a.m. No one ever suggested there was no quorum—not the Minister of Finance (Mr. Manness) who walked out, or the Chair of the committee who walked out, and I find it absolutely incredible that the Government House Leader (Mr. McCrae) would come in here today and waste the time of this committee by suggesting that there was no quorum. There was no quorum called, which is the standard procedure. It was never questioned until today, February 13, nearly 10 months after this occurred.

You know, I am frustrated, because I suppose the Government House Leader could treat this as a debating society. He referred to it as a courtroom, and now just a court. He talked about what had occurred on that night was a comedy of errors. Mr. Chairperson, there were errors that night. There were mistakes made by two Members of this Legislature and probably more too.

I believe that one of the unfortunate aspects of this is, we are not dealing with some of the other Members who walked out, and particularly those who organized the walkout. But this is not a comedy for the Government House Leader (Mr. McCrae). It is a very serious matter. There are two dimensions we are dealing with that I mentioned before in terms of the Rules. I think we have to look at what we are dealing with.

There are really only two questions that we should be dealing with at this committee. One, was it right, what happened that night? Was it appropriate? Two, should this become a precedent? In dealing with the question of whether it was right, I believe that this committee still has to deal with that question. Really, all I am looking for from the Government House Leader, from the Minister of Finance (Mr. Manness), from the Member for Minnedosa (Mr. Gilleshammer) is just for them to say what they did was wrong, it was a mistake, and they apologize.

That, I believe would resolve the matter, certainly to my own consideration and I believe in terms of our caucus—just for them to say, I am sorry, I made a mistake. In terms of the second question, should this matter become a precedent? That is something that has to be dealt with through the Rules Committee. I am pleased that there is finally some recognition—two hours and twenty minutes, limited as it is—on the part of the Government House Leader (Mr. McCrae) at this committee, that now we should call a meeting of the Rules Committee, something I had mentioned at the beginning of our statement, something that the Member for Churchill (Mr. Cowan) had mentioned.

We have to deal with both those questions. What I would suggest to this committee and to the Government House Leader as perhaps a way of resolving this is first of all, let us call for a meeting of the Rules Committee. It does not require this committee to report. The Government House Leader can stand today after Question Period and call a meeting of the Rules Committee. That is how it has to be done. Those are

our Rules. This committee can recess today. This committee can sit again next week, or following the report of the Rules Committee or whatever appropriate time, so that we can deal with the other question in terms of what happened that night.

* (1220)

I believe that by doing that, by getting it to the Rules Committee now, we can deal with the main problem, that we have a precedent, and that by coming back into this committee, if we do have a resolution in terms of the Rules Committee, it may be that much easier for the Government House Leader (Mr. McCrae) and for the Members who were involved that night just to say, I was wrong, I made a mistake, I apologize.

Let us not get into the kinds of side issues that we have seen this morning from the Government House Leader, the attempt to recreate history. Just look at what happened that night. I just ask people once again, put aside Beauchesne's. I will quote Beauchesne's, the Rules, Maingot. I have always paid an interest in the Rules. I have always followed the Rules of this House. I take them seriously. But, you know, the bottom line is not the Rules of the House; it is not Beauchesne's; it is not Maingot. It is common sense.

Should the Chairperson of a committee and a Minister appearing before the committee be able to walk out of committee and prevent that committee from sitting? I believe not. If that was the case, if that precedent was to be followed, I could be talking right now, the Government House Leader could walk out of the committee, the Chairperson could walk out of the committee, and according to what happened that evening, this Privileges and Elections Committee could be paralyzed.

Is that the kind of precedent we want in this House? That is the precedent that we have because of the events of May 1, 1989. As we sit here, nearly 10 months later, I think a resolution is clearly before us. Let us get the Rules Committee called. Let us have this committee come back in after the Rules Committee has dealt with necessary changes to the Rules, and let us ask the Minister of Finance (Mr. Manness) and the Member for Minnedosa (Mr. Gilleshammer) to come. I hope the Government House Leader (Mr. McCrae) will not take me wrong when I make the suggestion, perhaps the Government House Leader should take himself off the committee and just allow the Member for Minnedosa and the Minister of Finance to come in here.

I believe part of the problem is that the Government House Leader, as he said once again, kept saying, that the Members of the committee have nothing to apologize for. I believe that if he would withdraw from this, at this point in time, and just allow those two individuals to come here, I believe that the Member for Minnedosa and the Minister of Finance are individuals of integrity. I think if you ask them in this committee if they felt what happened was right, they would say, no, they made a mistake, and they apologize for it.

So that is why I suggest, let us get the Rules Committee sitting. Let us come back into this committee

once we have been able to deal with the Rules question and let us get some common sense into this. We need to deal with the fact that was not the appropriate thing. I think the Government House Leader (Mr. McCrae), if he would reflect on it, would realize that we have to do something to resolve this very serious precedent that took place.

Mr. Laurie Evans: Mr. Chairperson, I want to respond firstly to the Government House Leader (Mr. McCrae) in terms of the quorum. I think he wants a definitive statement from us, and I will make it as definitive as I possibly can. We are not prepared to accept the argument that there was not a valid quorum. It is an argument that, as far as I am concerned, if it was to be—

Mr. Chairman: Mr. Evans, we were really debating the motion that had been made by Mr. McCrae.

Mr. Laurie Evans: As far as I am concerned, it is relevant, because we are looking at this as having been a duly constituted committee that was aborted in terms of its ability to complete its function and certainly are not willing to accept the argument that it should be swept under the rug on the technicality of the lack of a quorum.

Also, in terms of the motion, I have tremendous difficulty in accepting that motion as being a solution to the problem today, because we have two things involved here. One is the decision as to whether there was contempt or not. If the decision is made that there was not contempt, then one could argue that there is no need to proceed any further, that recommendations from this committee really are not warranted.

If a decision is made that there was contempt, then it would appear to me that it is logical to make recommendations to the House to call the Rules Committee together to bring about a meeting that would attempt to resolve the problems that have been identified by many people here, which have frustrated the House. I think we may have a situation of the cart before the horse here in terms of the motion being called and the Rules Committee meeting before a decision on contempt has been decided or not.

I think the other thing that is critical today, Mr. Chairman, is that we decide when we are going to meet again. As I brought up at the very beginning of this meeting, I do not want to see a situation where this meeting would be recessed, and I am using the term "recessed" as opposed to "adjourning" because I do not think there is any need to adjourn.

This is a committee that is dealing with one specific issue and, therefore, I think recessing is in order. I think it is also in order to determine exactly what time we are going to meet again.— (interjection)—

Yes, I think we have an obligation to the people who have been named. If I had been one of those, I would want this thing resolved as quickly as possible.

I also want to comment on the comments that were made as asides by the Minister. That is, I do not want to be associated with the comment that we are out for

blood. Certainly, there is no desire on the part of the Liberals in this committee to be looking at something where there is some punishment that is beyond what the Minister or what the Member for Thompson (Mr. Ashton) has said, that is, a recognition, if there was—and I am not going to say there was—if there was contempt, then I think there is a necessity for an apology, but I am certainly not going the route of attempting to say that someone is guilty before the decision has been made as to whether they are guilty or not. That decision has not as yet been made.

If the decision is made that they are guilty, then I would be satisfied with an apology, and that apology—(interjection)— No, I am not saying that he is guilty. I think the situation—(interjection)—

Getting back, I think that it is important we look at this motion. I cannot support the motion because I think that it is not a motion that is adequate to cover the entire situation. I do think it is appropriate that the House Committee on Rules be looked at some time in the future, but not as a substitute for making a decision here. It is also critical, Mr. Chairman, that a time for the next meeting be set.

Mr. McCrae: Mr. Chairman, the Honourable Member for Fort Garry (Mr. Laurie Evans), I take it, after due consideration of the issues that I have raised this morning in my discussion about the quorum, has indicated he is not willing to accept the quorum argument. I can only ask him—maybe he will respond—on what evidence, what basis, what research, what review of what went on that night, is he relying in order to make that decision on behalf of all of the Members of his caucus, I take it, gathered here today, why they are not willing to accept the facts as I put forward earlier with respect to the legitimacy, if we can call it that, of that standing committee that morning at 2:30 a.m.? How can he arrive at that decision without even having a look at the evidence that I put forward?

Then he says, he is not out for blood. I suggest, when he is so willing, so quickly, and without any thought or research to brush off a very important aspect relating to that night, I really can only suggest that he and his colleagues are really just out for a pound of flesh, as we have suggested all along, and really just out there to try to do as we have already suggested, what I have tried to avoid talking about today, but what really lies behind all of this.

You, Mr. Chairman, referred to some political wrangling and you did take it back, you did apologize for that, but I can say it without apologizing. What we have here is some of that political wrangling. The Honourable Member for Churchill (Mr. Cowan) is not known for working toward the smooth operation of the House. We know that, and that is the reason why I did not respond in any detail to his comments today because we know with the exercise he is engaged in right now with Bill 31, and the exercise he may very well be responsible for with regard to the Standing Committee on Law Amendments dealing with Bill 63, the debate we have going there.

Mr. Chairman: Mr. McCrae. The hour being 12:30, what is the will of the committee? Is the will of the committee

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to rise? Do you want to continue or do you want to rise?

* (1230)

Mr. Laurie Evans: Mr. Chairman, I think that the first comment that was made at the meeting today was a decision as to when we were going to meet again. I am not prepared to recess until I know when this committee is going to meet again. At the same time, I am not—I think that there was an intent on everybody's part when we came into this meeting to take the high road and, as far as I am concerned, the Minister has made the comment that he was not going to provide dignity to the comments from the Member for Churchill (Mr. Cowan) and therefore I am not going to make comments about yours. As far as I am concerned there is no evidence in Hansard that there was any time that there was not a quorum—

An Honourable Member: You have not looked at it.

Mr. Laurie Evans: We have looked at it, and there are also many times, and I have sat through many meetings, there have been numerous times that—there could have been quorum called yesterday and it was not called. I would submit, Mr. Chairman, that as long as quorum has not been called one has to assume that the quorum is there or that the proceedings are going along as intended and are totally legal. Therefore, I am not willing to accept the nonsensical argument that we can retroactively go back to some date, whenever it happened to be, when the quorum supposedly did not exist and say that we are now going to ignore everything that took place on that technicality and I am certainly surprised that the Honourable Member and the House Leader (Mr. McCrae) would bring forward an argument that is that spurious to try and deflect and derail this meeting today, but I do want to leave it with you, Mr. Chairman, that I will be very disappointed if we do not have a date at which we are going to reconvene.

Mr. Chairman: What is the will of the committee?

Mr. Leonard Evans (Brandon East): On a point of order, Mr. Chairman.

Mr. Chairman: Mr. Leonard Evans has a point of order.

Mr. Leonard Evans: I have a suggestion, a brief motion. I would move that the committee recess until 10 a.m. Thursday next.

An Honourable Member: On a point of order, Mr. Chairman.

Mr. Chairman: We cannot accept another motion until we have dealt with the motion by Mr. McCrae.

Mr. Praznik, on a point of order.

Mr. Praznik: Yes, I ask this by way of a query as opposed to a point, but if this committee had a set

time hearing does it require unanimous consent to sit past 12:30? I ask that of you, Mr. Chairman.

Mr. Chairman: It is not a set point in time, it is the will of the committee. Mr. Ashton.

Mr. Ashton: Just to try and keep this on focus, I really would urge that we set a time which we come back in. We had suggested Thursday morning, because it will give the opportunity, for example, for House Leaders to discuss this further, for Members of the committee to consider the proceedings today, and we did discuss before about trying to have a series of meetings so this does not drag on, so we can deal with it.

So I would strongly urge that we come back on Thursday at ten o'clock, deal with the motion, perhaps deal with some other items that can be discussed.

Mr. Leonard Evans: I guess a point of order, but really I would like to have the question called, Mr. McCrae's motion be put, so we might vote on it, so we may consider another motion as to when we may next convene. So I would like to ask for the question to be put.

Mr. Chairman: Is there any more debate on that motion then? That is the motion by Mr. McCrae. Mr. Ashton.

Mr. Ashton: Yes, I think because of the hour I do not want to see this meeting deteriorate any more than it has the last period of time. I would really suggest that by leave of the committee, if we can come back in at ten o'clock on Thursday, it gives us some time to deal with this—

Mr. Chairman: We have to deal with this motion before we can entertain another one.

Mr. Ashton: Well, no, I am not suggesting it be done by a motion to recess. What I am suggesting is that, by leave, we recess and we reconvene ten o'clock on Thursday morning.

Mr. Chairman: Is it the will of the committee to—that is technically impossible. We cannot recess to another day. That will have to be another meeting called by the Government House Leader. Mr. Ashton.

Mr. Ashton: First of all, by leave, we can. The second point, though, is that we are recessing, we are not adjourning. I recognize what you are saying in terms of adjournment, but we have a precedent. In fact, the precedent occurred when we had the hearing, May 1, 1989, and the final reference is the fact that we had recessed at that particular point in time.

Of course, if the Chair does not show up the next day, on Thursday, we may have some difficulties. This thing could get rather complicated, but by leave we can recess and come back in on Thursday. There is nothing to prevent us from doing that.

Mr. Chairman: What is the will of the committee? This is a ruling by the Chair. There is a long-standing Manitoba practice that the committee can recess until

a later point on the same day, but not on a different date. Mr. Ashton.

Mr. Ashton: Mr. Chairperson, can I make another suggestion? I am trying to do this so we can have time to deal with this matter properly. Can we adjourn until six o'clock tonight—recess, pardon me—which will give time for the House Leaders and the Members of this committee to discuss this?

It seems a shame that after going through this for two and a half hours that we cannot come up with some sort of a leave on that. I believe we may be able to resolve, or at least get on the road to resolving it instead of ending up in a situation where I can see this matter going on at length and not necessarily resolving the question.

Mr. McCrae: I appreciate the Honourable Member's wish to be helpful, Mr. Chairman. The only problem with that is that Members do have schedules and other commitments. Is the Honourable Member suggesting that we change the make-up of this committee? I note that none of the Liberals who are here were there that night, that fateful night, and none of the Conservatives who are here were there that night. I do see people from the New Democratic Party here who were indeed there that night, and there is a message there all in itself. The point is, just to ask us today to sit at six o'clock, when the scheduling calls for a meeting to last from 10 until 12:30 today, here we have again a suggestion that is not very workable, and I suggest it is not very helpful either, Mr. Chairman.

Mr. Ashton: Mr. Chairperson, I will try one more time. I will ask the Government House Leader (Mr. McCrae), if he does not want to agree to the recess later, which we can do as a committee, but if he feels that is a problem, will he agree to call this committee back on Thursday at ten o'clock, in which case we would then adjourn and then the Government House Leader would arise in the Legislature today to recall the committee.

I am not really so much concerned about how we do it or what we—but I am just trying to get some time for this committee to deal with the question. Would the Government House Leader agree to that suggestion?

Mr. McCrae: Honourable Members know that it is the responsibility of the Government House Leader to call committees, so that prior to adjourning today I can see what Honourable Members are attempting to do. What they are attempting to do is to set the Government's agenda for the Government.—(interjection)—The Honourable Member for Churchill (Mr. Cowan) says this is a legislative agenda and I could not agree with him more.

The point is, no one, when the matter of whether this committee should sit at all was current before the House, no one set times because, certainly speaking for the Liberal Party, I know they were satisfied that it was the intention of the Government to call this committee within a reasonable period of time and that is what we did. Now Honourable Members, by pressing us to a certain time, I do not know what the schedule of the Minister of Labour (Mrs. Hammond) or the Honourable Member for Sturgeon Creek (Mrs. Yeo) for Thursday evening is at this point, so that I do not believe the Honourable Member is being reasonable by asking that a Thursday morning or night meeting—I will indeed take under advisement the Honourable Member's suggestion and I can say that, as we did with regard to bringing the matter to this committee in the first place, we did that in a timely fashion, and we would do that so that the committee could continue its deliberations in a timely fashion as well.

Mr. Laurie Evans: I think the intent is certainly to be reasonable and all that we would request from the House Leader is a commitment to reconvene this meeting within a week. If he is prepared to make that commitment, well I would—is that a commitment that you will make?

Mr. McCrae: I believe the Honourable Member for Fort Garry is being reasonable and that is something that we could live with, Mr. Chairman.

Mr. Chairman: Is it the will of the committee to rise? Committee rise.

COMMITTEE ROSE AT: 12:40 p.m.