



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

STANDING COMMITTEE
on
RULES OF THE HOUSE

29 Elizabeth II

*Published under the
authority of
The Honourable Harry E. Graham
Speaker*



10:00 a.m., Tuesday, 25 March 1980

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON THE RULES OF THE HOUSE
Tuesday, March 25, 1980

Time: 10:00 a.m.

CHAIRMAN: Hon. Harry E. Graham (Birtle-Russell):

MR. CHAIRMAN: Gentlemen, the meeting will come to order. We have a quorum. This meeting was called by the Government House Leader. I believe he has an item or two he would like to raise at this time.

HON. GERALD W. J. MERCIER (Osborne): Mr. Chairman, perhaps we could first of all discuss some discussion we had last night in Committee of Supply to clarify, I think, what we all think the rules state on votes in Committee of Supply. Perhaps I might state my understanding of the rules, and see if there is any difference of opinion.

In Committee of Supply, after 10:00 o'clock, my understanding is that any motion other than one for committee to rise is out of order, that the only motion the committee can deal with is a motion for the committee to rise, although the specific rule, I think it's 65(10), seems to indicate that. Although the Chairman cannot accept a vote to defeat or vary an item in the Estimates, it would seem to imply that committee could turn down a motion to reduce an item, but the Chairman could not accept a vote that would defeat or vary an item in the Estimates. But, on further discussion with other members, I understand the practice is not to accept a motion to reduce an item, and to deal with that the following day.

In addition, if a motion is made between 8:00 o'clock and 10:00 o'clock, and this is after the House is adjourned at 5:30, that type of motion could be dealt with in the House in Committee of the Whole or Committee of Supply. And, in addition, if a motion is made with respect to a specific item, not Minister's Salary, after 10:00 o'clock, that will not be dealt with by the committee, but the practice is to move on to the next item, and then the following day to revert to the motion and deal with that.

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. PETER FOX: I believe, to an extent, the Attorney-General has indicated the outline, because Section (9) of 65 says that the Chairman or the Deputy Chairman of the committee shall not accept any vote that defeats or varies an item in the Estimates of the government. I wasn't present, so I don't know what took place, but if there was a motion to reduce the salary or to change an item in any way, then it varies it and therefore it can't be accepted. And then it indicates that under (b), the Estimates of the department, new estimates, shall not be introduced, and unless the Committee of Supply or a section of the Committee of Supply has risen earlier, it shall rise on the completion of the departmental Estimates that were under consideration at 10:00 p.m.

But (10) says, where the Chairman or the Deputy Chairman of the Committee of Supply refuses to accept the vote that defeats or varies an item in the Estimates, he shall put that motion as the first item of business at the next sitting of the Committee of the Supply, in the Chamber.

So therefore, I really don't know what the item was last night, but if there was a motion, and the Chairman couldn't accept it, then it would have to be held over until today.

Now, in regards to between 8:00 and 10:00, yes, there is nothing in it, the rules carry on as normal, and you vote on whatever issue is there.

MR. CHAIRMAN: The Honourable Member for St. Vital.

MR. D. JAMES WALDING: Mr. Chairman, what the two previous speakers have outlined is substantially the case. I recall there was some difficulty over this when we first adopted the rule. I was the Chairman at the time. The way that we

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worked it out, and the precedent that was set, and the way that we carried on ever since, was that the Chairman could put the matter to a voice vote of the members there, but if Yeas and Nays were called or if a counted vote were requested, that the matter was then put over until the next day, the reason being that it was recognized that a number of the members would leave at 10:00 o'clock since there would be no votes, and there was the possibility then that there would not be sufficient members in the building to actually carry the vote. And it was the practice that it would be put over in accordance with this rule and dealt with as the first item the next day.

That is the precedent that we had followed since - I agree that the reading of it would indicate that, or could be interpreted to indicate that the Chairman could accept a vote that does not defeat, or sustains a matter, but that has not been the way that we have handled it so far. This was the dispute that we had last night, and it was resolved by the Chairman taking it under consideration for consideration by this committee this morning.

It seems to me that the way that we have dealt with it over the last three years has been a reasonable one. If the committee wants to change it, that's for the committee to decide. But I would suggest, having set the precedent, it should continue.

MR. CHAIRMAN: There is no better place for it to be discussed than right here. I recognize the Honourable Member for Kildonan.

MR. FOX: Again, part of our problem is semantics - I blame that on lawyers, my good friend over there will understand. But it's the question of any vote that defeats or varies an item, and the word "defeat" is the one that's under question. And I suggest that it refers to item, not to the vote being taken, not to the vote taking place. And that is what is the interpretation, varying or defeating the purpose of the item. And so therefore, I think it was written fairly clearly, and it's just a matter of us having an understanding of that interpretation, that the item is being changed or defeated or whatever, and so consequently that vote cannot be taken.

MR. CHAIRMAN: The Honourable Member for Crescentwood.

MR. WARREN STEEN: Mr. Chairman, rather than making a statement, I'm asking a question to you, and you can perhaps clarify the matter. The situation last night that we faced had the opposition, who moved a motion, not ask for Yeas and Nays, and it was strictly a voice decision, would the motion have carried and therefore not required a formal vote today, the following day, and then recorded in the records as a vote that took place; but since the opposition or the members that put the motion last night asked for Yeas and Nays, therefore, the Chairman last night had to defer the actual vote, because it was after 10 o'clock, until today. Is that the way it works?

MR. CHAIRMAN: Well, I was not a member of that committee; I am not privy to all of what transpired last night, perhaps some other member could . . .

MR. STEEN: Well, what I'm asking is, can a vote be put after 10 o'clock providing Yeas and Nays are not requested, and then it just goes along smoothly, or if Yeas and Nays are requested, then that item is deferred to the following day and get on to the next item? Or, can no motion be put after 10:00 o'clock, other than to adjourn the committee?

A MEMBER: Or challenge the Speaker.

MR. STEEN: Or challenge the Speaker.

MR. CHAIRMAN: One of the problems we have now is . . .

MR. STEEN: Because otherwise, if we don't get a very clear clarification, we're going to have this go on and on, night after night.

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MR. CHAIRMAN: One of the problems you have is the interpretation of the rule that was brought in here and it might, I don't know, it might serve a useful purpose if we went back and reviewed when that was changed, and the arguments that were put forward at the time for the change; that might be useful to us. It is the opinion of some that the change that is in here is exactly what was intended, that a vote can be held, and proceedings of the committee can go forward, provided that the result of that vote does not alter the Estimates of the department. That is one opinion that is held by people that were involved in the drafting of that rule.

The Honourable Member for Kildonan.

MR. FOX: Let us take a couple of examples. If there is a section of the estimates before the committee, and there is a question of a vote on it, it's not being altered one way or another, it's just to approve as is, that vote can be taken. But I think the rule is clear, it says, the Chairman, or the Deputy Chairman of the committee shall not accept any vote that defeats or varies. Let's leave out the word "defeat", because I think that's the one that's confusing us - varies an item in the Estimates of the government. Defeat is the same thing as varying and, therefore, I maintain that the interpretation shouldn't be difficult, that any item that is, by any member, altered from its normal, that immediately cannot be accepted by the Chairman, and therefore you cannot have a vote on it.

MR. CHAIRMAN: Or is it the vote that cannot be . . .

MR. FOX: It's not the vote, because the Chairman - I'm sorry, the Chairman has to be an impartial person in the Chair. He doesn't know who's going to vote how, which way, or any other way, so therefore, he cannot interpret it on that basis. He has to interpret it on the item itself, not on how the vote will go, because he never knows how it will go.

MR. CHAIRMAN: Perhaps it's best that we get some words from legislative counsel.

MR. RAE TALLIN: I think the purpose of this is that they can take the vote, but they will not accept the vote after it's been determined that the vote defeats. You can't even get into the rule until the vote is taken, because until the vote is taken, you don't know whether it defeats or varies an item. And therefore . . .

MR. FOX: But the motion will vary the item.

MR. TALLIN: No, no. But the thing is, he may accept the motion, and he may put the motion to the vote. Otherwise, it would mean that every vote, whether it's just an agreed or not, would be prohibited. Because if you're talking about a motion, it's always a motion.

MR. FOX: That's true. So throughout the interpretation, as I said, let's leave out the word "defeat".

MR. TALLIN: Well, even varied. You cannot . . .

MR. FOX: It's varied, that is the crucial item. That's what the government of any day doesn't want to happen.

MR. TALLIN: No, because on most votes, it's only a question of whether you defeat the vote or pass it.

MR. CLERK (Mr. J. Reeves): Would it be of any help, Mr. Fox, if this was changed so that it read "shall not accept any motion", rather than the word "vote".

MR. TALLIN: Then you're cut off after the first motion.

MR. FOX: Then you stop your business at 10:00 o'clock.

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MR. TALLIN: That's right.

MR. CHAIRMAN: The Honourable Government House Leader.

MR. MERCIER: Mr. Chairman, if you go on to look at Subsection (10), where the Chairman, or Deputy Chairman, refuses to accept a vote that defeats or varies an item in the Estimate, he shall put that motion as the first item of business. That seems, in my mind, to make the assumption that the Chairman can take the vote on the motion, and then if it one that defeats or varies an item in the estimates, he simply does not accept it, and that becomes the first item of business the next day. I think that's fairly clear, where we have a count, and I think we've done that on a number of occasions.

But if the practice is then that yeas and nays are called after 10:00 on an item in the Estimates, I take it the practice would be that the Chairman of the committee would not deal with that, that you would move on then to the next item of business in the Estimates. If it's a motion, as it was last night, to reduce the Minister's salary, there's no more business to move on to, so that automatically means that the committee rises. And today, we will deal with that motion in the House, I guess, as a first item of business. That also presumes, I take it, that there is no further debate on that motion, or on the resolution.

MR. CHAIRMAN: The Honourable Member for St. Vital.

MR. WALDING: Mr. Chairman, it presumes there will be no further debate on that particular item. But the motion to reduce the Minister's salary is, in fact, an amendment to the last line, to 1.(a). Once that amendment were dealt with, there would still be the main motion of the Minister's salary, and debate could proceed on that item, as I understand it.

MR. CHAIRMAN: Perhaps one of the things that might help us all is if we try and determine what the purpose of the entire rule is. If the purpose of the rule is to prevent any further debate occurring, perhaps we should change it to "indicates", or if the purpose is to prevent any reduction in the item and change the Estimates, I think that should be spelled out. Or, if the purpose of the thing is nothing more than to delay so that further debate can occur the next day, then we should spell it out so that we know what we are trying to accomplish when we talk about possible rule changes.

The Honourable Member for Minnedosa.

MR. DAVID BLAKE: Mr. Chairman, my understanding of the situation as it sits now, or it sat last night when we adjourned, was that the order of business to do with the Estimates today would be a vote on the Motion to reduce the Minister's salary, and supposedly it will be defeated. Then we vote on 1.(a), his Salary, and pass it, and that is the end of the Estimates for the Highways Department. Am I correct in that understanding?

MR. CHAIRMAN: That is not quite correct.

MR. FOX: That is not what the Member for St. Vital said.

MR. CHAIRMAN: The Honourable Member for St. Vital.

MR. WALDING: If I may, Mr. Chairman, the motion before the House is the line 1.(a) for the Minister's salary. There was an amendment to that to reduce it to \$1.00. Once the amendment is dealt with and presumably defeated, as the member says, and you then back to the main motion, which is the Minister's salary. Then, if any member wishes to debate that, he is then entitled to because that is the motion before the House. When debate finishes, then the vote comes on that motion.

MR. BLAKE: But for all intents and purposes, we would have finished the debate last night, if it had of been before ten we would have been finished with the Estimates.

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MR. SPEAKER: The Honourable Member for Radisson.

MR. KOVNATS: Mr. Chairman, the routine that we have been following, and I think that it is a practical routine, is that if the motion to reduce the Minister's salary is defeated, then I would presume that there would be an immediate Motion to pass the Minister's salary, and that would be the end of the discussion on the department. There would be no more debate, unless the motion was defeated, and then debate would resume. But it is not very likely that the motion would be defeated if the amendment was defeated.

MR. CHAIRMAN: The Honourable Member for St. Vital.

MR. WALDING: Mr. Chairman, perhaps I could, for the benefit of members, go back to when we made these rule changes and perhaps explain how it came about and what happened. Prior to the change - and it was about 1975 or 1976, I believe, and we brought these changes in on a one-year trial basis - up until that time there had been a time limit on Estimates Debate, a certain number of hours. They were all dealt with in the House, and the House would rise at 10:00 o'clock. It was the opposition at that time that wanted to extend the Estimate's Debate time indefinitely, to have no time limit, and it was proposed that the House be permitted to sit beyond 10:00 o'clock.

There was a concern by members not wishing to sit beyond 10:00 o'clock, and there were obviously a number of members who would not be interested in the particular department that was before us. And it was recognized that those members having a particular interest would sit there and enter the debate and it would go on, but those members who were not interested would like to leave at 10:00 o'clock. So, this rule was brought in where there would be no danger of the government being defeated, no substantial vote on something to enable that to happen, for a number of members to leave or to go and do other work that they had, and for the debate to continue. That was the reason for this being put in, and after some initial difficulty with something like we met last night, the practice was adopted that when Yeas and Nays were called for, that that item would be promptly put over until the next day and the Committee would go on to the next item, so as not to hold up the debate on the particular section, but to ensure that both sides would be given a fair opportunity to marshal their forces the next day for a vote on it.

So I believe that was the reason it was worded in that matter. Now, whether that satisfies the gentlemen opposite or not, I don't know whether they want to make a change, but that was the practice, and it has been working for the last three, four, five years.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MERCIER: I don't think there is any disagreement particularly between 8:00 and 10:00 o'clock. There is no problem; if there is a division we go back into Committee of Supply and that is on the assumption the House is being adjourned at 5:30 p.m.

MR. CLERK: Even if it wasn't, it wouldn't make any difference.

MR. MERCIER: Right. After 10:00 o'clock, if there is a Motion to vary an item, there can be a count . . .

MR. CLERK: Aren't you referring to a voice vote?

MR. MERCIER: A voice vote, yes.

MR. CLERK: Rather than a counted vote.

MR. MERCIER: If the Yeas and Nays are requested, then that item is put over until the next day and the Committee proceeds to the next item. If it is on a motion to defeat or to reduce the Minister's Salary, and Yeas and Nays are requested, then that committee, in effect, rises and the matter is dealt with the following day.

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The only area, perhaps, of some difference of opinion is what will happen, for example, today. It is my understanding that the motion to reduce the Minister's salary in effect concludes the debate. Last night, the Minister was allowed to respond to that motion. My understanding is probably he should not have been allowed to respond to that motion, that the making of the motion to reduce Minister's salary in effect concludes the debate.

MR. WALDING: It is an amendment, so he is entitled to debate the Amendment the same as any other member.

MR. MERCIER: Okay. Well, that is good, Mr. Chairman, because there was, among some members of the Committee last night, the view that that concludes the debate; and we have cleared that up, that there's a debatable. . .

MR. FOX: It concludes the debate on the amendment when the motion is taken.

MR. MERCIER: That concludes the debate on the amendment, so there is agreement then that the Minister should not. . .

MR. FOX: Oh no, the Minister is entitled, Mr. Chairman . . .

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: The Minister, like any other member, is entitled to debate the Amendment in its context. And when that has been dealt with, then whatever business was before the House is still available. Maybe another amendment will be made, we don't know, so therefore the debate doesn't conclude just because an amendment on the Minister's salary is made, and it happens to be the last item. But there may not be any further debate, because maybe that may have been the final decision.

MR. MERCIER: There is still the main Resolution for the whole department.

MR. FOX: That's true, but that particular motion is still before the House because an amendment was proposed, it was defeated, and then we are back to the main motion of the Minister's salary.

MR. CHAIRMAN: One of the problems that I think we have to address ourselves to is whether it is the intention of having a rule that effectively can be used to prolong debate. By the use of this rule, and by calling for a recorded vote, it is possible by using that technology to prolong debate another day. Now, if that is the intent, perhaps it should be spelled out in the rule as such. Or if that is not the intent, perhaps it should be spelled out in the rule.

The Honourable Member for Minnedosa.

MR. BLAKE: Yes, thank you, Mr. Chairman. That's the problem that I was just going to get to. There's the accommodation of having senior staff people here in when you're into Estimates and they may have other commitments, or their plans may be made to finish at a certain in order for them to handle other assignments and what not, and it would appear now that after the vote today, that we could come back in here and debate Highways for another two days.

MR. KOVNATS: No, a motion comes forward at that point to pass the Minister's salary, it's passed and that's the end of the debate.

MR. BLAKE: That's what I said, but they say no, that now you can debate the Minister's salary now . . .

MR. KOVNATS: The Minister's salary is the next item to come up to be discussed, but I am sure that there will be a motion that minister's salary be passed, a vote is taken, and it's finished. That's been the practice in the past.

MR. BLAKE: That's my point entirely, Mr. Chairman, that we can get into a whole rat's nest here.

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MR. FOX: It's not being passed, only amended. --(Interjections)--

MR. KOVNATS: As long as I don't have to rule on that.

MR. CHAIRMAN: What the Honourable Member for Radisson is saying is that Section 14 of this rule would probably come into play at that time.

MR. BLAKE: The move that the question be put?

MR. CHAIRMAN: Yes.

MR. BLAKE: Who's putting it?

MR. FOX: That's a separate motion again.

MR. BLAKE: Oh, it would have to be a separate motion.

MR. FOX: That's right. But there was no such motion, the only motion . . . --(Interjections)--

MR. KOVNATS: But that is the routine and it will happen.

MR. CHAIRMAN: There is the mechanism there to effectively conclude debate if . . .

MR. FOX: I don't follow you.

MR. CHAIRMAN: . . . that is required. The Honourable Member for Crescentwood.

MR. STEEN: Mr. Chairman, I, like the Member for Emerson, was always under the impression that there shall be no votes after 10:00 o'clock except the motion for committee to rise, that if there were any motions put after 10:00 p.m. they were deferred to the following day, and that was always my understanding. Obviously, my understanding of the rule isn't correct then, because if somebody does put a motion, surely if they believe enough in their motion, they are going to ask Yeas and Nays anyway. So the vote would never proceed to its conclusion and so you'd move onto the next item and they'd put another motion, and then they ask for Yeas and Nays. And then you say well, we defer that item (b), then you move on to item (c), and you'll make no progress whatsoever.

MR. CHAIRMAN: The legislative counsel.

MR. TALLIN: There's a motion presumed or assumed on every item, and if you said you can't put a motion after 10:00 p.m., you couldn't pass an item. So it's obvious that the intent is to put motions after 10:00 p.m.

MR. CHAIRMAN: Positive motions, then.

MR. FOX: Well that's true, Mr. Chairman. We have . . .

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: We have concurred that any motion that varies an item will not be dealt with because the Chairman won't accept it, but you just go on to the next . . . or any vote. The thing is, if the Chairman can't accept it, how can you have a vote?

MR. TALLIN: No, he can accept the motion but he can't accept the vote. It's clear. We are talking about a vote, not a motion, in this rule.

MR. CHAIRMAN: The rule says you cannot accept the results of the vote if it varies.

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MR. FOX: Okay, he arrives at the same conclusion.

MR. TALLIN: I don't know, it depends whether you ask for Yeas or Nays.

MR. FOX: That's what we're trying to achieve. We are trying to achieve progress in the House, that's right, and anything that isn't contentious carries on, you finish it and you go to the next item. Any time a vote comes up, the Chairman says no, and you carry on to the next item.

MR. TALLIN: No, because if the vote is yes on the vote, and somebody says I want Yeas and Nays on an item . . .

MR. FOX: Okay, so then . . .

MR. TALLIN: . . . and there are 14 votes for and 12 against - he passes it. Why shouldn't he? That's progress? That's the only way you can get progress.

MR. FOX: It doesn't vary the item.

MR. TALLIN: No, and he can ask for a count, Yeas and Nays. Why shouldn't he ask for a count, Yeas and Nays if it's passed 14 to 12 . . .

MR. FOX: Then it beats the intent of why this was included.

MR. TALLIN: No, because the intent of this was to provide security for the government.

MR. FOX: Right.

MR. TALLIN: Until the vote is taken, you don't know whether the government needs that security. As long as the government has a majority in the committee, why shouldn't they continue to take votes?

MR. FOX: But the intent originally, as the Member for St. Vital indicated . . .

MR. TALLIN: No, I dispute that myself. I think that he's talking about the practice, the intent of the practice which is not the same as the intent of the rule, in my feeling. My feeling was that they would be taking a vote.

MR. FOX: But the intent of the rule was the intent of what we are practising. We didn't want to keep 57 members in the House.

MR. TALLIN: That's right, so you could take votes, and you can count votes, and you can take Yeas and Nays and count them. As long as it doesn't defeat an item or it doesn't vary an item, you accept the vote and carry on, regardless of whether it's a head count, hand count, or a standing count, or just a voice count.

MR. CLERK: If I can go back for a moment in history, gentlemen, I can recall vividly our friend Mr. Green saying this area would possibly be a Minister, maybe one supporter, on his estimates and eight or ten members of the opposition around him, so if he had . . . I would think even the Chairman calling the word "pass" is, in a sense, a motion, that we accept it. And if he heard a "no", I'm going by my memory, Mr. Green's idea was that he didn't even want the government to be deemed to have been defeated even overnight, and his idea was that if the Chairman heard a "no" then he would just simply say that was it, and then hold it until the next day. So I'm inclined to agree with Mr. Walding, although I'm not quite sure that the - this is not meant as a criticism of you, Rae - but I'm not sure that the rule as it reads fully implements what the committee wanted. I'm not sure but my reading of this, "simply shall not accept any vote", you must have a motion before the House before you can have a vote.

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MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: We also went further in our discussions. We said we wouldn't have to have a quorum, a nose count as well, and that was only by agreement. It wasn't written in, but it was one of the other stipulations so that we could expedite the progress of the House. But if we go on the strict interpretation of legislative counsel, then we are defeating the intent of why this was put into expedite progress in the House, because it would mean that the government then would at all times have to have sufficient people to count. That's right. Otherwise it can't . . .

MR. TALLIN: He can't accept the vote. He says if there are 12 against and six for, I'm not accepting it. I'm taking it tomorrow morning. The government is not defeated, because there's been no acceptance of the vote. The government can't be defeated, or any motion can't be defeated, until the vote is accepted, and that's why it was written in that language.

MR. CHAIRMAN: It does not prevent the calling of the vote.

MR. TALLIN: No. It just says he can't accept a particular type of vote, a result.

MR. MERCIER: Mr. Chairman, to use a practical example, then, legislative counsel are advising that last night, on the motion to reduce the Minister's salary, on his interpretation a vote should have been taken.

MR. CLERK: I believe a vote was taken. A voice vote was taken, then there was a call for Yeas and Nays. Am I correct in that? Well, there was a vote taken.

CLERK'S ASSISTANT (Mr. J. Willis): And usually indicates whether we should have a head count.

MR. CLERK: I believe that the motion was actually defeated on a voice vote. My understanding is that where the voice vote was taken, the Chairman ruled, in my opinion, the Yeas or the Nays or whatever . . .

CLERK'S ASSISTANT: In my opinion, you can read the rules, but it's clearly permitted that a head count could have been taken, could have had the vote, and the motion would have been defeated in all likelihood, given the numerical makeup of the committee at the time, and we would have proceeded to the debate on the Minister's Salary.

MR. CLERK: But the practice, if I can interject just for a moment, it seems to have been that when such an occasion did occur, when there was a request for a head count, we have said okay, we'll have it in the, the whole committee will have an opportunity to vote on it. I believe our section had already risen when this occurred, and therefore I think, in the sense of following our own practice, that the head count in the committee today would probably be quite in order. But it doesn't exactly . . . I'd have to check with what the rules themselves say. As a matter of fact, I don't know that we have any rule dealing with the taking of a head count, when we can have it and when we won't have it, and whether it can be . . .

MR. BLAKE: Mr. Chairman, what do we do about it? Let's solve it now and get on with the next order of business. Surely we can arrive at some decision this morning on how we're going to deal with it.

MR. CHAIRMAN: I think one of the fundamentals is an understanding of what is intended. If we are intending that it's purely a technicality to have the vote, then there is no problem in setting it over. If it is intended as being a stalling tactic to prevent closure of that item, and it's a tool that is used to prolong debate, then you've got a different problem on your hands.

The Honourable Member for Minnedosa.

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MR. BLAKE: Yes, that can be solved very easily. You have the vote on the motion to reduce the Minister's Salary, and then you put the question on the first item, and that solves it; but everyone seems to be a little loathe to put the question.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MERCIER: Mr. Chairman, I wasn't here when the rules were drafted, but my reading of the rules last night, my personal view was that we could have the vote, and we should have proceeded with the vote - in fact we did, but we agreed to move back; but that what we did last night, in taking the vote on the motion to reduce the Minister's Salary, was in order; and we should have probably completed the Estimates last night without having to wait today; that the only reason we would have to wait today is if the motion had passed. Then it should not have been accepted by the Chairman, and be dealt with today.

MR. CHAIRMAN: The Clerk of the Assembly.

MR. CLERK: I think, really, you were faced with a possibility of two votes - one which was held, a voice vote, and defeated the motion, and the next one was a request by someone in the opposition that we have a count-out. Now, the practice, as I understand it, and which has obtained for several years, that if a count-out is requested, it would be taken in the whole committee to give every member of the Committee of Supply - and don't forget we are not in two committees, we are in one, sitting in two sections, with the idea being that it would be held in the House practice, has been such, which would give every member of the committee an opportunity to vote. And that hasn't been our practice now. I'm in a position here that I can only go by what the committee has agreed. We have agreed that this would be the practice. Now, if we take this strict interpretation of the rule, it seems to say something else.

Because, as I say, it doesn't mention anything about a count-out whatsoever. We've already decided the question once, but because you're asking for a division, or yeas and nays are called, call it what you like.

And so the practice has been where a count-out has been asked for, if it's before 10:00 o'clock, everybody came into the Chamber; if it was after 10:00 o'clock they would either put that item of business aside until the next day and carry on, since this was the last business, the committee had no alternative but to rise.

Again, that's based on practice, not necessarily . . .

MR. MERCIER: Not what's in the rules.

MR. CHAIRMAN: The Honourable Minister without Portfolio.

HON. EDWARD MCGILL (Brandon West): Mr. Chairman, I think everybody's pretty comfortable with the explanation and the way it's been going up to the point where the Chairman says, in my opinion, the nays have it. And somebody in opposition, who has moved the \$1 salary, says, the Yeas and Nays, Mr. Speaker, I think. Then the Chairman needs to say, this has to be dealt with with all members in the House, and the committee rise. If you do it in any other way, you're saying, we're going to take a vote, but if we lose, it doesn't count, fellows. I just don't think that's the kind of thing that will be very useful as a precedent in the House.

So I really feel that what we've done, what was done last night, was probably the proper sequence of events, and the intent of the rule.

MR. CLERK: Are you saying the whole practice, then Mr. McGill, that is of calling a count-out for today, or do you think that it should have been taken in the committee last night?

MR. MCGILL: No, I think that when the Yeas and Nays were called for, that the Chairman then said, well committee rise, we will deal with this in the House, with the full committee having an opportunity to be summoned and to vote.

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MR. CLERK: Rather than a vote being taken at all that night.

MR. MCGILL: Well, he could have said, in my opinion, the nays have it. He did say that, presumably, I wasn't here. But then, when he was challenged - . . .

MR. CLERK: No, he wasn't challenged, it was merely a question of somebody, and I think it's a right of any member to ask for . . .

MR. MCGILL: . . . say the Yeas and Nays.

MR. CHAIRMAN: If he has support.

MR. MCGILL: That, in effect, is saying to the Chairman, I don't think you interpreted the Yeas and Nays properly. I want . . .

MR. CLERK: We have divisions in the House ad nauseam, we've had several in one day. For example, when we used to have the old concurrence motions, my God there were 20 and 30 divisions in one night. So that I'm not sure that I follow your line of reasoning, Mr. McGill, to say that because somebody asked for a division - we had a division, I think the other day which seemed to completely reverse what appeared to have taken place, but I don't think any blame could be placed on the Chairman.

MR. MCGILL: Oh no, certainly no blame on the Chairman.

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: A further question arises, if a division is asked for, do we ring the bells? Since we only have one committee, I believe we should.

MR. CLERK: I think that was agreed upon. I could probably find it if I look back far enough, that we agreed that, where a count-out was requested in a Committee of Supply, that we would ring the bells.

MR. FOX: That's right.

MR. MERCIER: After 10:00 o'clock?

MR. FOX: At any time, what's the difference?

MR. CLERK: Because you may not necessarily be in this room, but in your caucus room, but you are entitled to vote. I think that was the reason behind that. I am sure I could find it if you would like.

MR. CHAIRMAN: Did that include a Motion for Adjournment?

MR. CLERK: Oh, a Motion for Adjournment is always. . .

MR. FOX: It is not debatable, and so therefore there is no division that can be acted on.

MR. CHAIRMAN: You can have a division on it.

MR. FOX: Yes, I suppose you can, but since it is not debatable on what, you know, you can ask for a division, that's true, but there is no purpose served, unless you want to defeat it or one of the other reasons. We have never done it, that is what I should really say.

MR. CLERK: We have, a lot of times.

MR. FOX: Debated it?

MR. CLERK: Oh, not debated it, no, a division.

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MR. CHAIRMAN: We have had divisions on it.

MR. CLERK: The Motion has been lost on a division, too.

MR. MERCIER: Mr. Chairman, it appears that, in essence, what we are saying is that there should not be a division after 10:00 o'clock.

MR. CLERK: That seems to have been the practice. We would have the count-out the next day.

MR. MERCIER: Does that then mean in Committee, after 10:00 o'clock, should there ever be a count, should there not just be Yeas and Nays and a voice vote and the Chairman rules? This idea of a count seems to be something in between a voice vote. . .

MR. CHAIRMAN: A recorded vote is what you are referring to.

MR. MERCIER: . . . and a recorded vote. Well, a count is never recorded, or is it?

MR. CHAIRMAN: It is a recorded vote.

MR. MERCIER: Just the numbers.

MR. FOX: It's the numbers that are recorded.

MR. CLERK: It is not recorded in the way that a division is in the journals of the House. In other words, we pass or reject a motion in a committee by a numbers vote. Now, nowhere in the journals of the House in the report of the committee does it say that the committee accepted or rejected it by a vote of six to seven, or whatever it may be. But in the House, where we have a recorded vote or a division, as we commonly call it, then the Yeas and Nays are actually listed in the journals. That is the big difference.

But as far as the count-out, the only precedent I have is our Beauchesne. Sorry, I can't stick my finger on it, but it states definitely that a vote in a Committee of the Whole House, which includes the Committee of Supply, Committee of Ways and Means, and the Committee of the Whole, shall be done by report to the Committee counting the members present as they rise in support of or against the motion. That is known as, I think, my account in Parliament says we would call it a count-out as opposed to a recorded vote or a Division in the House. I think there is ample precedence for it.

MR. MERCIER: So you can have a count after 10:00 o'clock?

MR. CLERK: Well, there again, the practice has been that where we are going to have, if anyone demands a count-out, we have come back to the House; if it was before 10:00 o'clock or before the Committee rose, then it was done in the Chamber. If there was only one section, you know, it could have been that this section had risen and the Committee in the House is still sitting. The practice has been we would hold that over until the next day. I am not saying that is right, but that is the practice which we have had over the years since this rule has been developed.

Now, to get the thing straightened, either confirm that or tell us what you want. It is a thorny point as far as the Clerks of the Committees are concerned. We are placed in an awkward position.

MR. MERCIER: Well, and so are the Chairmen, Mr. Chairman. I think that is what we are trying to do is confirm the understanding and practice for the sake of the Chairman and members of the Committee.

MR. CLERK: For the benefit of everyone, as the Clerks of the Committee are also expected to give advice to the Chairman, whoever he may be, so we are in an awkward position too. We have a certain understanding and obviously it is

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different to what some other people have around this table. So all I am saying, gentlemen, is for God's sake, let's get the thing square so we all know what is expected. I would like to see this included right in our report.

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: Well, Mr. Chairman, I think we have made progress, because some of us have indicated that the Chairman should not accept the vote. Legal counsel has indicated that he should. But if we follow it through its normal procedure, I would concur with the Minister without Portfolio then, that if you have a vote that is defeated then you say, well, that one doesn't count, we'll have it again tomorrow. I think that's a bad practice. I think we should determine what our procedure is so that it appears to be correct as well as being correct, and I would suggest that any item that is going to be at variance with what is before the committee should therefore not be accepted by the Chairman, and that solves our problem.

MR. MERCIER: I don't think there is any disagreement with that. We are really speaking about divisions, recorded votes.

MR. FOX: That's right.

MR. CHAIRMAN: There seems to be a general concensus, then, that anything that requires a recorded vote in committee after 10:00 o'clock will be set over to the following day and held in Committee of Supply in the House.

MR. WALDING: It should be the first matter dealt with.

MR. CHAIRMAN: The first item dealt with.

MR. WALDING: So there will be no further debate on that Item.

MR. CHAIRMAN: Is that agreed? It may be that this Item may require a little amendment, Rae, and we can look after that.

MR. MERCIER: And then I think we are also agreed that, using a practical example of last night, and then we move into Committee of Supply today, and that is where the motion to reduce the Minister's salary is dealt with.

MR. FOX: Right, because we only have one Committee of Supply. It is only by practice and concurrence that we divided ourselves into two committees, and we also agreed that we wouldn't need a quorum for each of the committees. So these are all really abnormal from what is in the rules, and it's a practice that we have created, and as long as we are comfortable with it then we should live with it. If we are going to stick to the rules specifically, without any elasticity, we'll never get any work done, because there just aren't enough rules that we can write for every precedent that may come up.

MR. CHAIRMAN: The Honourable Member for Minnedosa.

MR. BLAKE: I agree with the Member for Kildonan. I think we have had a good discussion on it this morning. I think all of us here understand what happens up to 10:00 o'clock, what is going to happen after 10:00 o'clock. And the intent of the rule, I think, was to maybe facilitate some members that weren't interested in that particular department to leave at 10:00 o'clock without any fear of the government being defeated; and the government of the day is going to make sure that they have enough bodies around before 10:00 that that is not going to happen, so after 10:00 it becomes an exercise in debate on the Estimates, regardless of how many motions are thrown around. I think we have the understanding now of what we are going to do from now, on and we shouldn't run into any more problems. The Chairman is going to be apprised of what his position, is and there shouldn't be any further problem on it. I think we could proceed in that way.

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MR. CHAIRMAN: The Honourable Attorney-General.

MR. MERCIER: Just to follow this matter up one step further, Mr. Chairman. The motion to reduce the Minister's salary will be dealt with in Committee of Supply, and may be followed by an immediate motion to pass the Minister's salary and the final Resolution.

MR. FOX: No, it doesn't . . . it does follow because the motion is then on the floor as it was originally, and then if there's no further debate, it will be voted on.

MR. MERCIER: And that can be dealt with in the House, then.

MR. BLAKE: At what stage of the House proceedings do you place this vote?

MR. CLERK: Before we split into two . . .

MR. BLAKE: Before we split into two committees.

MR. CLERK: It should be dealt with immediately, as soon as Mr. Kovnats takes the Chair, I would think, because it will have to be decided in Committee of Supply, not in the House, which means that the Speaker has left the Chair, and Mr. Kovnats has taken over. The first item, I would think, Mr. McGregor would then report what happened last night, and a vote would be taken. And we would all go on our merry ways.

MR. FOX: There's only one thing, Mr. Chairman, and that is I think the Attorney-General is trying to determine whether there could be any further debate on the main motion itself, and --(Interjection)-- just a minute, let's take any motion that has an amendment. Once the amendment is defeated or dealt with, whichever way, then the debate can still carry on. I'm not saying it will, but I'm saying it can. It's still open.

MR. MERCIER: I think, Mr. Chairman, we've been talking about intention of the rules a great deal, and I think it is, from my discussion with members, it appears to me that the intention is that that effectively ends the debate once the vote is taken on the motion to reduce the Minister's salary.

MR. FOX: On the amendment, that's right.

MR. MERCIER: And the practice . . .

MR. FOX: There was no further debate on the amendment.

MR. MERCIER: Or on, call it the motion to pass the Minister's salary.

MR. FOX: Well, let me ask you, if that is the case, if that's what you're saying, does that mean that there can be no other motion, no other amendment made on that motion, because the \$1 amendment is fine, but there may be one that somebody else on your side then says, or on the other side says, we want to raise it by a dollar. You're precluding that, so I say that the motion is debatable. It's still open. Now whether it will take place or not, that's up to the disposition of the members. I would assume that probably there will be no further debate, but that's an assumption, that's not what is available.

MR. CHAIRMAN: The Honourable Minister without Portfolio.

MR. MCGILL: Mr. Chairman, I think it is conceivable that the debate under the rules could continue, but with the government in there having just defeated that one, all they have to is let the motion be put. And if it's not debatable, then that would terminate it.

MR. CHAIRMAN: Does that pretty well conclude the concern of the committee at this time?

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MR. MERCIER: That should clarify it for a couple of weeks, Mr. Chairman.

MR. CHAIRMAN: The next item of business, the Honourable Government House Leader.

MR. MERCIER: Mr. Chairman, the committee met last on February 25, 1980, to consider rule changes, and some motions were made and adopted by the committee. Mr. Speaker, there was no consensus among members of the committee with respect to the motions that were adopted. The motions would have provided for a work week of basically the same number of hours, but compressed into four days, and would have allowed, in fact, for longer hours by the members by involving the possibility of Committee of Supply meetings on Thursday evenings and committee meetings on Fridays.

However, there was no consensus among members, and therefore I would like to move that the - I could simply ask for leave to withdraw the previous motions, or else make a formal motion to rescind the previous motions. It would be easier, I suppose, if the committee would agree, with leave, to withdraw the previous motion.

MR. FOX: If it's in order, Mr. Chairman, we have no objection to re-opening the discussion. And, as I said, if that is the simplest way of getting the question on the floor, then I would agree with the Attorney-General that the motion be withdrawn, although it having passed, I think we would really have to rescind it, not withdraw it.

MR. CHAIRMAN: There is a general consent among the committee to re-open, and whether it's rescinded or withdrawn, is a question of semantics.
--(Interjection)-- Procedure. Right.

MR. MERCIER: So for the record then, it's clear, Mr. Chairman, by leave, the motions made at the meeting on February 25, 1980, are withdrawn. Or rescinded.

MR. FOX: Just one question to the Attorney-General, before we totally agree to agree, does that include both motions that were passed, the one in respect to the working hours, and the other one in respect to the Ministerial Salary being at the head of the Estimates?

MR. MERCIER: In fact, three motions, the one, the amendment to Subsection 1(2) dealing with the Grievance Procedure, and I think we could then, well, perhaps we could accept that motion and that proposed rule change which allows for --(Interjection)-- in respect of grievance procedure in the amendment to Section 1(2), because I think there was a consensus that we should proceed with that amendment.

MR. FOX: Right.

MR. CHAIRMAN: So we are now withdrawing or rescinding the motion with respect to hours, and the motion with respect to debate on the first item of business in any departmental Estimate. Is that agreed? (Agreed)
The Honourable Government House Leader.

MR. MERCIER: Mr. Chairman, as I've indicated, we have withdrawn the previous motions because there was no consensus among members of this committee for any changes. Perhaps we could attempt to determine whether there is a consensus among the committee for any changes whatsoever. There was a previous suggestion by the Member for Inkster, who unfortunately is not here today, so I'd be interested in hearing from the Opposition House Leader as to whether there is any indication that they are prepared to look at any other changes.

MR. FOX: Mr. Chairman, as the debate proceeded at our previous meeting, I had indicated - and I stuck my neck out at that time because I didn't have the authority to do it - that we would be prepared to look at a four-and-a-half day week, which would give some members the opportunity to leave at least at noonhour, or roughly thereabouts. And, of course, the other issue that we were discussing

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at that time was the Ministerial Salary, and I had made the suggestion that we include the administrative portion of the Minister's Salary as well, so that there would be less inclination to have a wide-ranging debate at the beginning, that the Minister would introduce his Estimates, and we would proceed immediately into the item-by-item, without having the opportunity to discuss it under administration because that was the method that was occurring, not just now, but also previously. And the Chairmen were having difficulty over it.

Now, on that suggestion, if it's amenable to the committee, I have made out some proposed sheets which would - the four-and-a-half day week would give us exactly the same number of hours, except we would only sit until 1:30 on a Friday afternoon, and the Private Members' Hour would still be the same as before, except on Fridays, when it would be from 12:30 to 1:30 p.m.

Now I know that, people being what they are, they will probably want something and then change their minds afterwards and the one hour on Friday may not be utilized. But at least I believe, whether I'm in government or out of government, it's a private members' hour, it should be at their option whether they utilize it or not.

And since it gives the same number of hours of work, I don't think we have done anything except expedite the people who have to travel a little farther, can leave earlier, or only miss half-a-day on Friday, as compared to a full day under the present sitting hours that we have.

Let me just add one more thing. I have very little maneuverability. I am not suggesting this to suggest there are no other alternatives, but at the present time our members, the majority have felt that we should stay with the five-day week under the present circumstances, and of course in respect to the Ministerial Salary debate also. This is a proposal that was just barely agreed to, and I present it to the committee, hoping that it will expedite their making up their minds as to a consensus.

MR. MERCIER: Mr. Chairman, the proposal would add half-an-hour to the sittings on Monday, Tuesday, Wednesday and Thursday by requiring the House to meet at 2:00 instead of 2:30, and thus make up exactly the same number of hours that the House formally sits now, excluding all the hours after 10:00 o'clock that we sit in the evening.

MR. FOX: I'm prepared to look at the 2:30, if you like.

MR. MERCIER: No, no. I want to make the point, I want to make that, and I'm sure my honourable friend would concur, that this proposal involves sitting exactly the same number of hours as we do sit now. I also want to make the point that under the previous proposal that I made, which required the House to sit Tuesday morning . . .

MR. FOX: Tuesday and Thursdays.

MR. MERCIER: . . . Tuesday and Thursday mornings, that there was concern expressed about that proposal because there simply aren't enough hours in the day for all members and members of the Cabinet to fulfill their responsibilities, and there were concerns expressed by members of Cabinet that sitting Tuesday and Thursday mornings would involve taking hours away from their Cabinet responsibilities and impose a pretty heavy burden on them on those days. So whatever changes we make, it should be clear and on the record that it's very, as I say, there are simply not enough hours in a day, and all members and Cabinet members find it very difficult to do all the work they have to do during the time available to them.

But with respect to the specific proposal, Mr. Chairman, I can agree to the proposal as it relates to the change of hours, or the change of times of sittings on the basis of the same number of hours; and again with respect to the change in consideration of administration in Estimates, moving it down with the Minister's Salary. I think that's perhaps not as large an improvement as some people on this side had suggested could be made by discussing the Minister's salary first, but it is an improvement in moving administration down with Minister's salary and I think avoiding some repetition that does take place now at the beginning and with what occurs at the end under discussion of Minister's Salary.

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So I can indicate, Mr. Chairman, there is a consensus on the committee as to these proposed changes in the hours of sitting and consideration of administrative as in Minister's Salary and perhaps we could ask legislative counsel, if there is total agreement among all members, ask legislative counsel to draft the necessary rule changes to be included in a report to the House along with the proposed change to Rule 1.(2).

Mr. Chairman, as was indicated by a member, it certainly would be on a trial basis, and would have to be subject of course to ratification by the members of the House and could be tried on a trial basis and we could see on the basis of experience if it meets all of our expectations.

MR. CHAIRMAN: Is there any further discussion? The Honourable Member for Kildonan. The Honourable Government House Leader.

MR. MERCIER: One other point that I wanted to make, it's still, because I don't want to surprise anyone later, it still opens up for us the possibility of having committee meetings on Friday afternoon.

MR. FOX: Special Committees, not committee of supply?

MR. MERCIER: That was something that I would want to . . . Not committee of Supply, no, but Standing Committees, Public Accounts, Public Utilities, and that's something I want to discuss with my honourable friend as time goes on but it opens up that possibility as we move on to use Friday afternoons for Standing Committee meetings.

MR. FOX: Well I haven't considered any meetings in the afternoon because I think the intent of the government and those members who wanted to have Friday off was to have Friday off. I have no objection to meetings on a Friday afternoon. I do know that we utilize committee meetings on Monday, Tuesday, except Wednesday because of Cabinet, and so therefore I suppose if there's enough notice given there should be no problem. The only thing else I wanted to point out, Mr. Chairman, was that the proposition previously only had 22 hours in it. This one is back to the normal hours. If it is necessary or deemed necessary, that 2:00 o'clock opening could be delayed to 2:30 but that's something that probably could be discussed if it's necessary. But this does provide for the same number of hours as we are sitting at the present time and so all it does is compress our work week into four and a half instead of a full five days. Now the committee meetings that are done by notice can be called for at any time. I'm sure that most members will try to make their calendar fit into whatever routine business is called for.

MR. CHAIRMAN: Is there any further discussion? The Honourable Member for St. Vital.

MR. WALDING: Mr. Chairman, just one small item on the matter of the Minister's Salary and General Administration going down to the bottom and that is I notice from the Estimates Book that the item General Administration varies considerably from department to department. Some are very short and others add in other little items into that. The other added items might be matters that members would want to discuss quite early on and not leave until the Minister's Salary so perhaps the government could look at some uniformity in the heading in the Estimates Book under General Administration and perhaps keep it as short as possible, such as the Minister, the Deputy, and maybe Minister's office staff, or something like that, so that next year that part would go down to the bottom of the right and this can be discussed in what is the more normal place.

MR. CHAIRMAN: The Honourable Government House Leader.

MR. MERCIER: Well that's agreeable, Mr. Chairman, and as we say we'll have to see how this all works out in practice.

MR. CHAIRMAN: Is there any further discussion? The Honourable Member for Kildonan.

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MR. FOX: Well this will come as a proposal of this committee to the House where it can be thrashed out and determined. It was suggested that it be on a trial basis. I think that's a good suggestion.

MR. MCGILL: Isn't everything we do on a trial basis?

MR. FOX: Pardon.

MR. MCGILL: Everything we do is on a trial basis and subject to amendment.

MR. FOX: That's right and subject to ratification so therefore if the legislative counsel will prepare the necessary format we can let it operate for a while and then the resolution in respect to the concurrence with this can be brought to the House after a period of time and debated and agreed to see what experience we've had.

MR. CHAIRMAN: Well it's been proposed that the work week be changed Monday from 2:00 o'clock to 5:30, and 8:00 to 10:00 in the evening; on Tuesday from 2:00 o'clock to 5:30, and 8:00 to 10:00 in the evening; Wednesday from 2:00 o'clock to 5:30; Thursday from 2:00 o'clock to 5:30 and 8:00 to 10:00 in the evening; and Friday from 10:00 a.m. to 1:30 p.m., with the last hour on Friday being Private Members Hour. There seems to be a general consensus to adopt that proposal. Is that correct? (Agreed) I would assume then that this is the proposal that we'll ask legislative counsel to draft as a proposed rule change to our rules.

MR. MERCIER: Mr. Chairman, if I can just clarify the remarks of my honourable friend. Is he suggesting that prior this formal report coming forward and being adopted by the Legislature that we on a trial basis within a few days, next week or somewhat, actually adopt the, take on these hours, without the report being adopted.

MR. FOX: Well that's one procedure we could do by agreement of the House. We'd have to put a motion to do it but it wouldn't be a motion to . . . Well I'd sooner have legislative counsel's lead on this.

MR. MERCIER: It's probably preferable, is it not, that the report be adopted by the House and that it perhaps be made clear in the discussion that it is on a trial basis.

MR. CLERK: Excuse me, Mr. Chairman, that could be contained right in the report of committee itself that these rules be adopted on a trial basis for a year. I think we've done . . .

MR. MERCIER: Okay.

MR. CLERK: And then eventually whenever the members are ready we have a motion for concurrence.

MR. MERCIER: Yes, my concern would be that we can't, without some adoption of the report.

MR. CLERK: Well you'll get that report be received which is generally . . .

MR. CHAIRMAN: Legislative Counsel.

MR. TALLIN: I think in the past when we've done it on a trial basis the report has been concurred in but that the report has not been to amend the rules but that notwithstanding the rules for the balance of this Session or until further arrangements are made the following rules will be deemed to be enforced. --(Interjection)-- And it is concurred in and then you start following the trial rules.

MR. FOX: Okay, a further question to . . .

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MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: In respect to the . . . or the practice about the debate on the Ministerial Salary and the Administration, I don't believe that is written in, is it?

A MEMBER: No.

MR. FOX: So therefore that's by agreement but it was recommended, I believe, in the rules, the committee's recommendation to the House as a practice not as a rule change.

MR. CLERK: There was an agreement as I recall in looking in Hansard, where somebody questioned as to where that's arrived at and I think either Mr. Jorgenson or Mr. Green said, oh it was something we agreed upon and that's the only thing I've ever been able to find.

MR. FOX: Well, just to make sure that it's the consensus and agreed to it could be contained in the recommendation but not as a rule change, just as a practice.

MR. CLERK: Agreed.

MR. FOX: Agreed. And the other thing - sorry, Mr. Chairman - the other thing we have agreed on is that the grievance motion would be part of the rule change as well although we have not debated it today.

MR. CLERK: Right.

MR. MERCIER: We didn't rescind it as far as I know so that it stayed, it wasn't . . .

MR. FOX: I believe legislative counsel is going to later rule to utilize the fourth edition of procedure instead of the fifth on that particular item.

MR. TALLIN: That we discussed last week.

MR. FOX: Yes, I wished we'd concur but since we . . .

MR. CHAIRMAN: Well I will make every effort to get this report completed as quickly as possible and presented to the Legislature.

MR. CLERK: One question. Is the committee going to meet again to adopt what Rae Tallin is going to draft or is this going to be it?

MR. MERCIER: Mr. Chairman, perhaps to expedite matters if the report is prepared I can discuss it with my honourable friend and we . . .

MR. CHAIRMAN: I can have copies delivered to every member and if there is any dissent or concern about anything we can call another meeting. Is that agreed. The Honourable Member for Kildonan.

MR. FOX: I have one further item, Mr. Chairman. I believe the other day when we had an urgent debate to set aside the normal business of the House we had a problem and I would concur that after having heard the number of opinions that possibly we should have a good look as to how we want to proceed on that. Now there are a number of interpretations. I believe you got one from legislative counsel as well as from a number of authorities, and let me have a look at the rules. I am of the opinion that it --(Interjection)-- Yes, Rule 27, that it doesn't determine as to what should occur once the urgent motion has been dealt whether we carry on routine proceedings or whether we are then into orders of the day, and I think that should take some clarification.

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Now I believe we have a couple of alternatives at least. One would be that we would write carry on where you left off or the other would be that the particular urgent motion can be only presented a particular place, before orders of the day, and that would deal with it as well. So my suggestion is that whatever the consensus of the committee is that we have that written in so that there is no problem in the future in that regard. Either to say that routine proceedings carries on after you've dealt with that debate or else that debate takes place right after question period or just prior to question period so there's no problem about it.

MR. CHAIRMAN: The Honourable Member for Radisson.

MR. KOVNATS: On a problem that I anticipate can be a problem. When we are in estimates in the House in the Committee of Supply and the Minister gives his opening remarks which are limited 30 to 60 minutes, opposition are allowed to respond to a limit of 30 minutes, is it by agreement that unlimited opposition are allowed to reply or . . .

MR. CHAIRMAN: The Honourable Member for Kildonan on a point of order.

MR. FOX: I appreciate the honourable member's concern but I think it's a separate item. I think we should deal with the urgent debate first and then your issue in respect to the Minister.

MR. KOVNATS: I apologize to the committee. I thought that had been completed.

MR. CHAIRMAN: We're right now under the proposal of the Honourable Member for Kildonan. At the present time as I understand it the rule, a motion to go into urgent, of urgent public importance can be introduced at any time during routine proceedings. It can be introduced at any time. You now want to fix time for that to be included or to be brought forward, is that your intention?

MR. FOX: No, Mr. Chairman. I am just suggesting that there should be no indecision as to whether the remainder of routine proceedings will carry on after that debate is finished, that we make a decision in respect to that particular question, whether it means that nothing can carry on after that except Orders of the Day, or, if we don't want want to do that, then we give it a categorical space. Those are the two options we have. We either have a interpretation that once that debate is finished, routine proceedings carry on from where you left off, so that you do not eliminate the Question Period, as was suggested by some; or, even as you indicated, the person could be making that motion prior to Ministerial Statements. Then you would preclude the Ministers making statements, and could preclude petitions and the whole order of routine business, if that was the interpretation.

So I'm suggesting the committee should make a decision whether it wants to confirm that routine business carries on after that, or if it wants to place a special area for that business to take place, and then there's no question that something will be omitted from routine proceedings and Orders of the Day.

MR. MERCIER: Mr. Chairman, I found this the other day, and unfortunately I can't find it, but somewhere in Beauchesne there's a reference to the procedure in the House of Commons under what they call their Standing Order 26, which is the same effect as our Rule 27. And there, I think, there is a specific time slot - that it must come between Oral Questions and Orders of the Day.

MR. CHAIRMAN: Under Standing Order 26, they set it aside, that's what they call the Tonight Show. Urgent public importance is set aside and is held late in the evening. It does not interrupt their particular order of business.

MR. CLERK: May I make one comment, Mr. Chairman? Following the foul-up we had the other day, I took the opportunity to call Ontario to see how they handled it, and although I can't find anything specifically in their rules which specifies

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it, the First Clerk's Assistant tells me there that in Ontario they would not entertain a motion for an emergency debate until all routine proceedings are entered upon. Incidentally, their order of routine proceedings is different from ours, but I don't think that's really of any importance. But they go through their whole routine proceedings prior to the Orders of the Day, then you move your motion of urgent debate.

MR. CHAIRMAN: They have a fixed slot.

MR. MERCIER: Mr. Chairman, as my honourable friend indicated, there's no question the ruling was correct according to the rules, so perhaps one alternative would be simply to leave it alone and members will have to take into consideration the time at which they make that motion. Obviously the time that they would want to make it is between Oral Questions and Orders of the Day.

MR. FOX: Not necessarily. They may want to preclude the Minister making a statement.

MR. CHAIRMAN: That's entirely possible.

MR. FOX: They can do it earlier. If the Speaker recognizes them, that's what may happen.

MR. CLERK: We've had an emergency debate immediately following prayers on occasion. Unfortunately, we've gone right through the routine proceedings . . .

MR. MERCIER: It can't be before before prayers, can it?

MR. CLERK: No, I said immediately following prayers. I don't remember off-hand, but it was ruled out of order anyway, but I mean to say, if we're talking about when it can be introduced . . .

MR. CHAIRMAN: It can be introduced anytime during the normal routine business of the House.

MR. CLERK: In Ontario, they definitely say that they would not entertain it until you've gone through your routine proceedings, and before you go into Orders of the Day. It seems to work excellently for them down there.

MR. MERCIER: There could be just a simple amendment to Rule 27(1), I suppose, before the Orders of the Day and after routine business.

MR. CLERK: Right. That's really what I had in mind.

MR. CHAIRMAN: Is that what you want? The Honourable Member for St. Vital.

MR. WALDING: Mr. Chairman, I think we made a good argument for our point of view when this matter came up in the House and for the sanctity, if you like, of routine proceedings, that should not be tampered with. But in considering the matter afterwards, and trying to remember what the discussion was when we dealt with this matter before, I believe it was our intent that if the opposition were given an emergency debate, that they should not have a Question Period on top of that - it should be deemed to take the place of it.

So, I like the suggestion that's been put forward that routine proceedings should stay undisturbed, and that if there is a motion for an emergency debate, it should come between Oral Questions and what is called Orders of the Day on the Order Paper. I would agree with that.

MR. MERCIER: If members opposite want to give up the Question Period, Mr. Chairman, we could say, before the Orders of the Day and after Introduction of Bills.

MR. CHAIRMAN: Is there sufficient concern to want to change this at the present time?

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MR. MERCIER: I think the change is a worthwhile one, Mr. Chairman. I don't hear any opposition.

MR. CHAIRMAN: Is there general agreement, then, that a Matter of Urgent Public Importance be slotted after Question Period and before Orders of the Day?

MR. MERCIER: On a trial basis, the same as the other . . . There probably won't be any more motions like that this Session.

MR. CHAIRMAN: Is there any further business before this meeting?
The Honourable Member for Radisson.

MR. KOVNATS: Mr. Chairman, I was going to bring up a point, but I think with a little direction from the Clerk of the House, I can carry on, so I don't think this is the proper time for me to bring it up. I'll wait another time.
It's just a matter of handling myself a little differently on occasions.

MR. CHAIRMAN: I will entertain a motion for adjournment. (so moved)
Committee is adjourned.