

Third Session - Thirty-Eighth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Rules of the House

Chairperson
Hon. Mr. George Hickes
Constituency of Point Douglas

Vol. LVI No. 2 - 1:35 p.m., Thursday, June 16, 2005

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy, Hon.	St. Vital	N.D.P.
ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BRICK, Marilyn	St. Norbert	N.D.P.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
CUMMINGS, Glen	Ste. Rose	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
IRVIN-ROSS, Kerri	Fort Garry	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
JHA, Bidhu	Radisson	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MELNICK, Christine, Hon.	Riel	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
OSWALD, Theresa, Hon.	Seine River	N.D.P.
PENNER, Jack	Emerson	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim, Hon.	Assiniboia	N.D.P.
ROWAT, Leanne	Minnedosa	P.C.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHERS, Stan, Hon.	Dauphin-Roblin	N.D.P.
SWAN, Andrew	Minto	N.D.P.
TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

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

Thursday, June 16, 2005

TIME – 1:35 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Hon. Mr. George Hickes
(Point Douglas)**

**VICE-CHAIRPERSON – Mr. Conrad Santos
(Wellington)**

ATTENDANCE - 11 QUORUM - 6

Members of the Committee present:

Hon. Messrs. Hickes, Mackintosh

Messrs. Cummings, Derkach, Dewar, Ms.
Korzeniowski, Messrs. Lamoureux, Maloway,
Martindale, Rocan, Santos

APPEARING:

Ms. Patricia Chaychuk, Clerk of the Legislative
Assembly of Manitoba

MATTERS UNDER DISCUSSION:

Proposed Amendments to the Rules, Orders and
Forms of Proceedings of the Legislative
Assembly of Manitoba

* * *

Mr. Chairperson: Good afternoon. Will the
Standing Committee on Rules of the House please
come to order. This meeting has been called to
consider proposed amendments to the Rules, Orders
and Forms of Proceedings of the Legislative
Assembly of Manitoba.

You will find before you on the table copies of a
document titled, "Draft rule changes 2005," along
with three proposed appendices to the Rule Book, A,
D and E, which we will be considering today.

For the information of the committee, while the
English version of this package is available for our

consideration, the French document is still in the
process of being translated.

Is it the will of the committee to proceed with
consideration of the English text, with the under-
standing that the French will be made available
before the package is reported to the House? Is there
agreement? *[Agreed]*

How does the committee wish to proceed with
the consideration of these amendments? Does the
committee wish the Clerk to provide any explanation
regarding the amendments? Okay.

Do the House leaders have any opening
comments? No, okay.

We will now begin consideration of the
document. On page 1, we will start off with 4(4). Is
there any discussion? Pass? *[Agreed]*

Rule 4(6), discussion? Pass?

An Honourable Member: No.

Mr. Chairperson: No, okay, discussion.

Mr. Kevin Lamoureux (Inkster): Where are you?

Mr. Chairperson: Second, page 1, 4(6),
"Intersessional Committee Meetings."

You have the floor. Would you like an
explanation first, or do you have a comment?

Mr. Lamoureux: Yes, well, maybe if we could—can
we just bypass 4(6) and continue through?

An Honourable Member: No.

Mr. Chairperson: Would you like an explanation?

Mr. Lamoureux: Yes, please.

Mr. Chairperson: Okay. Ms. Chaychuk, would you
give an explanation, please.

Ms. Patricia Chaychuk (Clerk of the Legislative Assembly of Manitoba): What this rule change will do will now indicate that, whenever there are any intersessional standing committee meetings, i.e., committee meetings being held outside of sessional hours, those days will count as part of the sitting days for the Legislature, and, in addition, it is also requiring that 10 calendar days' notice be given of any intersessional committee meetings.

Mr. Lamoureux: Mr. Chair, it is something which I think we need to have some further dialogue on. I do not know how I would have missed it earlier. I thought that I had indicated it would be difficult to accept it.

Mr. Chairperson: Okay, let us have a discussion. Open for discussions.

Mr. Lamoureux: The concern is, as I have expressed or, at least, believe I had expressed, sitting days is something which we had thought were days in which there was a Question Period. Then, in addition to that, I thought it was to include some Fridays where it was a carry-over, while we would normally be sitting. For example, that would be reflected in the agreement that we would have signed earlier as to next session. That was my understanding of it.

I do not mean to cause discomfort within the committee, but at least that was my understanding. I did not believe that I had agreed to that particular point, because what you are saying is, for example, if Public Accounts meets three, four times during the year, you are going to classify that as a sitting day. When we talk about a sessional calendar, maybe that might be a good way of getting around this, if it can give clear indication, then, in terms of a sessional calendar in which, when we talk about 80 days, as an example, what we are talking about is not committees, because committees are entirely different than when you are sitting inside the Legislature where there are routine orders and proceedings and so forth. I just think that it goes down a slippery slope. That is the concern that we have.

Mr. Leonard Derkach (Official Opposition House Leader): I do not know what the member is talking about, because we have agreed to a sessional calendar which is, I believe, in excess of 80 days. This is over and beyond that. It is not a part of the

sessional calendar. We have already achieved what the member wanted in that respect, but, more importantly, I think this shows that there is work in this Legislature over and above just the sitting of the House, and that has never been recognized appropriately.

What needs to happen is that we need to recognize when members are here for committee work it is as serious a sitting as is the sitting of the House. That has always been the problem. I think there has been some meeting of minds on this issue. It is an appropriate way to address it. If you check other jurisdictions, it is considered thus in other jurisdictions. We are just simply getting on board with what the rest of the world is doing.

In my view, it does not affect the sessional calendar. What it does is recognize that members of the Legislature are here and attentive to the tasks that are part, if you like, of the sitting of the Legislature. At one time, these things used to happen in the late hours. They used to happen at times when it was inconvenient for people. Now we have tried to set them aside so that they happen intersessionally, which to me makes so much sense. It simply means that it is a recognition that the Legislature goes beyond just when the Chamber and the Legislative Assembly are in session.

* (13:50)

Hon. Gord Mackintosh (Government House Leader): What the discussions were about was recognizing that, if there is going to be a measure of legislative work, let us not have some fiction. If the members are here, and they are traveling from the North and from rural Manitoba and otherwise to be here to do legislative work, then it should be counted as that. That is all it is. Let us not continue this fiction that the number of Question Periods is the work of the House. It might be the most obvious. It might be the most public and, arguably, maybe the most important, but accountability happens in many corners. I have seen accountability happen in this room with standing committee meetings.

We are talking largely about the Crown corporation accountabilities that take place in this room, by and large. So I think it is just to recognize that fact. The other part here is the 10 calendar days' notice. Again, I think that is a modernization effort. It is to ensure that there is greater predictability in

planning and notice to members as well to the officials that are to be here to account.

Mr. Lamoureux: I think it noteworthy to acknowledge that in a standing committee it is a very select, much smaller percentage of the MLAs that are obligated to attend. When you are in a session sitting date today, expectation is that there would be 57 MLAs, and, if they are not present, I believe they actually have to give some sort of a reason or rationale to the Speaker or they get a deduction of pay. That is my understanding. Is that not correct, Mr. Speaker?

Mr. Chairperson: The rule is that every caucus has a form, and if a member misses the day they do fill out the form why they are away. If the absence is not acceptable by the Speaker, the Speaker can deduct \$200 for the member per day. That is how it is today.

Mr. Lamoureux: Further to that, a standing committee, on the other hand, usually has a membership list in which, as I said, typically, I think it is 11 members that sit on it, 11 or 12 members. There are issues in regard to notification. There are issues in regard to time allocation in standing committees. I see the two of them as night and day. If it is the terminology, if you are concerned about let us show that MLAs are in fact doing more work, I guess I would look to the Government House Leader (Mr. Mackintosh) to seek some sort of opinion or expression on the number of days in which we would have this regularly where all MLAs are in fact invited to participate and afforded opportunities to debate and engage on a wide variety of issues.

Mr. Derkach: Well, what the member misses is the fact that every member of the Legislature has the right to attend any standing committee. With regard to the, you know, if you are not here, well, my God, you have committed a great error and you have to be fined \$200, or whatever it is. I think it is important for the Premier (Mr. Doer) to be away representing Manitoba at a conference of western ministers or ministers even when the House is sitting. I mean, the world does not revolve around the Legislature sitting in Manitoba. Life still goes on. Activities still go on. Important meetings still go on, Mr. Speaker, and from time to time members of the Legislature are away on legitimate business; it is considered as important as sitting in this Chamber or in a committee.

So, Mr. Chair, all this is trying to modernize it, giving members advance notice of when the committees are sitting so that members can plan their calendar. I mean, sometimes when a committee is called members could be away at other functions. It could be their holiday time. It could be whatever, but when you give 10 calendar days' notice it gives them enough warning to be able to alter their calendars if they so feel that they have to be at this committee, and everybody is welcome to attend any of the standing committees.

Mr. Glen Cummings (Ste. Rose): I yield the floor to Mr. Lamoureux.

Mr. Lamoureux: I wonder, then, if the opposition and government House leaders could give assurances that members in attendance and at these committees would be afforded the real opportunity to participate. Will both House leaders give that commitment?

Mr. Mackintosh: First, I just wanted to say, further to my earlier remarks, we have been looking at how we can have legislative work around the calendar of the year, rather than having it jammed into the spring and summer. Of course, we got out of the summer stuff now, which, I think, is in everyone's interest. We are looking at how we can structure these committee meetings around September and February. So that is part of the context here as well.

In terms of the rules of the House, they already exist to allow any MLA to participate in committees, but you have to be a member to vote. Participation means many things. Asking questions and putting comments on the record is the right of MLAs in a committee, whether you are a member or not. That is my understanding of the rules. If there is another interpretation of the rules I would like to hear it, but that is my understanding.

Mr. Cummings: Really, echoing the comments that I have heard from the House leaders, this recognizes that there is significant business that is being done at the committee level, and I would encourage the representatives of the Liberal Party to participate. This does not take away from what seems to be an agreed-upon and, I believe, a very sound regime laid out in a calendar form, which is something that this Legislature has not achieved before. I would hate to see it lost on a point of whether or not we want to recognize these as sitting days. They do not reduce

what is already agreed to, and I will leave my comments there.

Mr. Denis Rocan (Carman): The Member for Inkster (Mr. Lamoureux), and I know he is a seasoned member, and the member is quite competent, the member is understanding. I am sure that the member realizes, in fact, it is happening here right now; membership to a committee does not preclude other members from attending.

In fact, if we go through this list of recommendations that we are presently bringing forward, we went to great lengths to allow committee changes to happen, now, right here in the committee room as we speak. We had a great amount of discussion to try and orchestrate that. So the reason I believe we have done that was that we acknowledged the fact that other members who want to participate and who are here and, as my House Leader has indicated, if other members are away on holiday or doing other work on our behalf, we can fulfil the requirements to get a particular committee going with new membership.

In fact, our Government House Leader (Mr. Mackintosh) has just pointed out, Question Period, the whole House does not revolve around just Question Period. We can actually get more done in a committee room, which the member quite aptly has done over the years. He knows how to use the committees very well. I believe this rule that we have put in here, because I heard it mentioned here a while ago, Sir, that we have now worked ourselves into a sessional calendar where we have the 80 days. This is over and above, and this is all we are doing now is showing the public that we work more than just the Question Periods. I mean, most of us are here. We hold regular office hours. Now they are going to try and schedule committee meetings at times when we are here. That should reflect the work we are doing for the people.

So I have no qualms for supporting this, and I believe the member was present when this was discussed and we had agreed to putting this on the order for today.

Mr. Chairperson: For clarification of all members, when committees are called, any member of the Manitoba Legislative Assembly can attend and participate. The only restriction is that only the

members of that committee can vote, unless it is an in-camera meeting. That is the only real restriction.

Mr. Lamoureux: The in-camera portion does concern me, Mr. Speaker, and I think that should be something then that should be addressed, but there, and I am very much aware because I have participated in many of those committees. The member from Carman is quite correct.

* (14:00)

Having said that, in my participation over the years, quite often you will see, and I will use Public Accounts as an example, where there will be one or two members that will, in essence, use up the two hours, and there just is no other opportunity to be able to participate. I just think we are comparing apples and oranges here. I recognize that those are, in fact, working days for 15 percent of the MLAs, in terms of doing House business. I just do not agree that they are the same sort of a day as a normal legislative sitting day that we have today. It is a change, a significant change.

Having said that, if it is just the wording that we are concerned about, there is nothing wrong with the Clerk's office maintaining, you know, you have the Chamber sitting days and the House sitting days. If that would make the committee comfortable, I see the Government House Leader (Mr. Mackintosh) seems to be in agreement with that, I would think then that we do that.

Mr. Chairperson: Rule 4(6), shall the rule pass?

An Honourable Member: No.

Mr. Chairperson: No? Is there agreement to put it at the bottom of the list and we will visit it before we conclude the meeting? *[Agreed]*

Okay, we will now move on to 5(1). Rule 5(1)–pass.

Rule 5(2), to be deleted? *Agreed? [Agreed]*

Rule 5(3).

An Honourable Member: We agree with this one, provided we get a different bell.

An Honourable Member: Is it a different bell?

Mr. Chairperson: Is it the will of the House for the Speaker to seek to get a different bell?

An Honourable Member: Well, a chime.

Mr. Chairperson: More of a chime than a bell?
[Agreed]

Mr. Mackintosh: Bring the bill, if you have got an idea.

Mr. Chairperson: That is for further discussion, but a quorum bell.

Rule 5(3)–pass; Rule 18(1)(a)–pass; Rule 18(1)(b)–pass.

Rule 18(2), shall the rule pass?

An Honourable Member: Can we have some discussion on that to see why we are doing it?

Mr. Chairperson: Would you like an explanation?

An Honourable Member: Yes, do that.

Mr. Chairperson: Okay.

Ms. Chaychuk: Sure, this is a follow-up to 18(1) where the Speaker will now be given the authority to name members, without resort to motion having to be moved by the Government House Leader. This ties in, because there can also be issues arising from committee where a committee chairperson may have to report back to the House of a grave disorder or a member refusing to obey the direction of the Chair, and the committee decides to send it back to the House.

This will now give the Speaker the discretion to determine if disciplinary action will be applied to that member, in accordance with the provisions that we have just added for the Speaker in 18(1).

Mr. Chairperson: Rule 18(2)–pass; Rule 18(3)–pass; Rule 18(4)–pass.

Rule 23(3), shall the rule pass?

Mr. Mackintosh: Okay, the question we had, on page 5, the deferred votes. Let us make this clear. Are those deferred votes voice votes or Yeas and Nays?

Mr. Chairperson: The honourable—Ms. Chaychuk.

Ms. Chaychuk: I do not know, maybe I can be honourable in my own way.

It would be requests for recorded votes. You could still have voice votes on the Tuesday, but if the member then requests a recorded vote it would then be deferred. That is the current practice we have now, with private members' business with vote deferral.

Mr. Chairperson: Okay, 23(3).

Mr. Mackintosh: I know there was some confusion earlier in talking about the voice votes versus the recorded votes. Does this mean then that the bells will ring at 11:55 and could go for up to an hour?

Ms. Chaychuk: No, the bells would not ring, because there is also provision in there that, for these specific votes, they are deferred to Thursday; the vote just happens at 11:55. There is no bell ringing on that. For votes that happen on Thursday that are not deferred, that is when we would have bells ringing. It is my understanding of what the committee discussion was that, if a vote is being deferred from Tuesday to Thursday, members would be aware of the vote taking place, and the Speaker would just be calling the question at 11:55 on those deferred votes.

Mr. Mackintosh: My recollection was, and I am glad that we are talking about this, that we are not going to in any way interrupt or interfere with the usual way that we conduct recorded votes in the House. The bells will ring. I do not think we can have two classes of recorded votes.

Ms. Chaychuk: If you look at page 6, this is where the specifics of what happens with the deferred votes takes place, because that is where you would want to do a change there.

Mr. Mackintosh: I do not think we should be playing loose with recorded votes. I think all members are entitled to have the bells ring on a recorded vote. When you start creating that kind of confusion, you just cause problems. I just think that we should have the same rule. If the vote is deferred to 11:55, then that is when the bell rings, call in the members, 11:55. [interjection] Hopefully they are

not going to ring for an hour because it is noon hour, but—

An Honourable Member: They could.

Ms. Chaychuk: To accomplish that then what you would need to do is, in 23(4), when we get to that section, just have the sentence added that the deferred votes will "take place at 11:55 a.m. on Thursday," and period.

An Honourable Member: Pursuant to the rule.

Ms. Chaychuk: Yes.

Mr. Chairperson: Rule 23(3)—pass.

Rule 23(4). That is where you want to address it to.

Mr. Mackintosh: Instead of wordsmithing here, if there is a clear understanding then that that wording will be changed for the report to the House?

Mr. Chairperson: Is there an understanding? *[Agreed]*

Rule 23(4)—pass; Rule 23(4.1)—pass; Rule 23(4.2)—pass; Rule 27(2)(a)—pass; Rule 31(1)—pass.

Also for Rule 31(2), no changes to this rule; Rule 31(3), no changes to this rule; Rule 31(4), no changes to this rule.

Rule 31(5) to be deleted? *[Agreed]*

Rule 31(6) to be deleted? *[Agreed]*

Rule 31(7), no change to this rule; Rule 31(8), no change to this rule.

Rule 31(9)—

Mr. Mackintosh: Rule 31(9) is fine. It is 31(9.1). I wanted just to ask a question on that.

Mr. Chairperson: Okay, but I am just calling 31(9) first. There is no change to this rule? *[Agreed]*

Rules 31(9.1) and (9.2).

Mr. Mackintosh: My sense was the intention here was that we would prioritize a resolution to be called,

and then it would go to the bottom of the list. Is that right? In other words, you can only call it once, because you are trying to give different private members and their resolutions and ideas some currency.

* (14:10)

The idea was then that with one week's notice you get notice of a resolution, but then you cannot come back the next week and call the same one again. It goes to the bottom of the list, okay? *[interjection]* Well, or you just call another one then, but you cannot call the same one more than once is the idea, right? Because it gives flexibility to the respective parties. It is not to just have one resolution week after week. That is the point, right? If that is the case. I think that was the intention we talked about, going to the bottom of the list. It should actually say that then. The resolution can only be called once, until it comes up again.

Mr. Chairperson: Ms. Chaychuk, for clarification.

Ms. Chaychuk: When you look at 38(10), that is where it still is contained. That is something we are not changing. Oh, actually we were saying we would be deleting that. That is where you would say, "No, we want to keep that **'Resolutions not prioritized for a vote'**," because then, you know, after the first hour, it goes to the bottom of the list. On 38(10). So just say, "No, we do not want to delete that. We want to keep that."

An Honourable Member: "When a resolution not prioritized for a vote—"

Ms. Chaychuk: Yes, because it says here "to be deleted." Say, "No, we do not want to delete it. We want to keep that rule."

Mr. Mackintosh: Is it not different to say that a resolution called cannot be called again?

Ms. Chaychuk: To point out to you in 31(9), you are keeping a three-hour limit for resolutions, so when you call it once at the end of the first hour it is still around and active, and what 31(10) does is say it would go to the bottom of the list. You have to decide do you want it to stay there for up to three hours and then be disposed of in some manner, or do you want each week to call a resolution and have it go to the bottom. I believe this is what would happen

if you just say you do not want to delete 38(10), because when you are saying it is not—you want to keep this rotation of, when you call it, it is debated for an hour, and then it goes to the bottom of the list. That is what 38(10) would indicate.

An Honourable Member: 31(10).

Ms. Chaychuk: Pardon me.

Mr. Mackintosh: I thought 31(10) only dealt with the old style, either resolutions that were prioritized for vote, no, prioritized for votes, they get voted on by three hours, right?

Ms. Chaychuk: It says "**Resolutions not prioritized for a vote.**" So that is any resolution that the House leaders are not selecting, which could be ones that the House leaders are bringing forward. When it is reached for the first time, if it is not disposed of it then goes to the bottom of the list.

Mr. Mackintosh: But it does not go on to say it cannot be called again.

Ms. Chaychuk: No, it does not say it cannot be called again.

Mr. Mackintosh: But it should, right? What you are trying to guard against is that you want a flavour. You want things to rotate. You want private members to have their resolutions called. That is up to the caucuses to do that work inside. But, just by saying it goes to the bottom of the list, the House leader could still call it again the next week.

Ms. Chaychuk: Then that is something that you would want to put in the rules. But then you would have to be careful how it went in, because you are still giving it three hours of debate on one hand, but now you are saying, on the other hand, it can only be called once, and not subject to being called again.

Mr. Mackintosh: Well, I did not think the resolutions that are called by the House leaders are good for three hours in a row.

Ms. Chaychuk: It is not three hours in a row, but it says "Each resolution", in 31(9), "is to be considered for no more than three hours."

An Honourable Member: In total. But it is called once, twice, three times.

Ms. Chaychuk: Yes.

Mr. Derkach: Well, my understanding of that is that each resolution is given three hours in total, whether it is called once, twice, or three times. After the third time, it just does not appear again, or after the three hours, it just does not appear again. Is that correct?

Mr. Chairperson: Ms. Chaychuk, for clarification.

Ms. Chaychuk: Yes.

Mr. Mackintosh: I thought the three-hour rule only applied to those prioritized votable resolutions, because my sense was that we, the House leaders, would be calling a different resolution every week to try and get through more resolutions. It was not to put a resolution up for three weeks in a row. We are trying to get away from that, actually, I think.

Ms. Chaychuk: Well, it is whatever you want, but the way it reads now, it just says "Each resolution." It does not make a difference between prioritized or non-prioritized.

Mr. Derkach: I agree with the House leader that we would want to call the resolution for one hour, and then that resolution would go to the bottom of the list. If we were in a position where we had dealt with all the resolutions, one member can submit one resolution. If we dealt with all of those then the list would start reappearing again. I think that is what we want to do.

Ms. Chaychuk: Maybe I will put it another way to seek clarity, because I do not know if we are looking at the same issue in just different perspectives. Basically, the House leaders are creating this list each week by what you are bringing forward. If you, say, on Tuesday, bring a certain resolution forward, it is debated for an hour, and then you give notice so the next Tuesday another one comes forward, that one comes forward first, and then the original one you called goes underneath it. So, as you are adding resolutions to it—well, this is what the rule is indicating would happen. You are creating the list, but I think what you are saying is you want to put a provision in there saying that you are restricted from calling subsequent ones.

Mr. Mackintosh: Yes, until it comes up again.

Mr. Chairperson: Order.

Mr. Mackintosh: There is just a phrase missing here in 31(10). It says it is "to be placed on the Order Paper at the bottom of the list of resolutions not

priorized for a vote," and shall not be called again until all the other resolutions have been called. So you are going to have two lists, a list of resolutions that can be called that are in the bin, and those that are in sort of the second tier.

Ms. Chaychuk: Just as long as the House leaders are aware that they are the ones who ultimately create the list by—you add to it each week. So how would we know, unless you are saying we are not calling any more forward, that the list is complete to start doing a rotation?

Mr. Mackintosh: Well, every week the caucuses are going to have to make a decision on what resolution from the list gets called. The list can be added to, by the way. You can have a week-old resolution only. So, once you get through the resolutions that are handed in, you can go back to the ones you have already called.

Mr. Derkach: I think we all know what we mean. It just has to be properly written.

Mr. Mackintosh: If the Clerk can just add that at the bottom of 31(10), "and the House leaders cannot call a resolution a second time until all resolutions have been called a first time." How is that? Something like that.

Mr. Rocan: Just to the House leader, through you, Mr. Speaker, what if the House leaders, for whatever the reason, decide themselves that next week they want to bring that particular vehicle up and use that as an opportunity to discuss a particular issue. So is there a way that we, by leave, ask for them to bring it back up? If we just said somewhere to the effect that if we debate No. 1 here today, we have done our hour, it would just drop to the bottom, and the only way that we could bring it back up is by leave, right? Just by leave, because that way you have to get the two government House leaders and whoever else is there to agree that you are going to bring it back up.

Mr. Chairperson: Before I do 31(10), the conversation was so interesting that I did not want to interrupt it, so we will now deal with 31(9.1) first. Pass?

An Honourable Member: No.

Mr. Rocan: The more that I look at this, the more I see what was put before me here. I guess, in my

mind, the House is divided, not equally, but the House is divided in such a way we have the government on one side and the opposition on the other side. The independent members, in my mind, should be treated as opposition members. So my House leader, I believe, would be the one, as it is in tradition, where whichever independent members that are there would sort of work in conjunction with my Opposition House Leader in a speaking order and a rotation of things that are presently before the House.

* (14:20)

So, to get the special consideration here, I do not think that it warrants it. I believe if independent members want to get a particular resolution forward they should have to work along with the Opposition House Leader. I believe, with that line, it is just that one last sentence there I have a problem with.

Mr. Chairperson: Further discussion? Mr. Lamoureux.

Mr. Lamoureux: Yes, Mr. Speaker, I think that we have got to be careful in terms of the line that we actually walk. What I can do is I can indicate that I believe, to the best of my knowledge, that was something that was agreed upon informally amongst the subrules committee which all three parties at the time had agreed to. I think it is important that we respect that. I know there are concerns regarding 4(6), and if the Government House Leader (Mr. Mackintosh) or the committee wants to hear so that it will become apparent that there is no forked tongue, I am prepared to explain in great detail what was actually said on 4(6), if, in fact, the committee wants to hear that.

I am just concerned that if we start making changes that were, in fact, agreed upon, Mr. Chair, because I know there is concern in regard to 4(6), and if we are going to go to 4(6), we are going to do this because of 4(6), I would just as soon—

An Honourable Member: No.

Mr. Lamoureux: No? Okay, then we will continue the discussion. But, then, Mr. Speaker, in fairness, I think we should start over, because we passed some in which there is give and take. My assumption was that the principle of what was agreed upon would not change, whether that applies to 31(9.1), and it applies to 4(6).

Mr. Chairperson: Further discussion?

Mr. Rocan: The member, now he refers me to 4(6) and that discussion, the discussion that all of us, or the majority of us that are in this room, we were at that same meeting that he makes reference to, 31(9.1). If the member wants to apply that same rule, well, then, I would have to venture a guess that 4(6) should pass the way it is being set up. If he wants that same rule, as he indicates, to apply on 31(9.1), because I believe that if I was to talk to some of my caucus colleagues they would probably want to run me over a barrel for adding that extra line at the bottom of 31(9).

I guess the way things are standing here right now I am just prepared to wipe out the last sentence of 31(9.1) where "The group of Independent Members will have the opportunity to introduce one resolution during a session on a Tuesday." I am requesting that we remove that one particular sentence.

Mr. Mackintosh: I would suggest we just defer this for a moment till we can find an agreement on this.

Mr. Chairperson: Is it the will of the committee to recess for routine proceedings? It is coming pretty fast. There are only about seven minutes before we get into—and then we will reconvene. Is that the plan? Reconvene after Question Period? Agreed? Is that agreed to? *[Agreed]*

We will now recess, and we will reconvene after Question Period.

The committee recessed at 2:23 p.m.

The committee resumed at 3:59 p.m.

Mr. Chairperson: I am going to call the meeting to order. We are at 31(9.1).

Mr. Mackintosh: I wonder if the committee would agree to go back to 4(6).

Mr. Chairperson: Is it agreed we will go back to 4(6)? *[Agreed]*

* (16:00)

Mr. Mackintosh: I have had some difficulty selling the 10 days' notice, I can tell members, because that

is a very significant change, of course. Having said that, just to move on from this, I am just wondering if all members would be satisfied with the adding of a phrase after the word "Legislature" there, something to the effect, and I will not wordsmith but, and the Clerk shall—or "the Speaker shall record the number of sitting days which are committee sitting days."

Actually, I think that wording might actually work.

Mr. Rocan: I guess, for clarification, if the Speaker was making his report saying the House sat for 115 days, but, in that 115 days, 12 of them were committee sittings, basically, that is what we are suggesting. Is that basically what we are doing?

Mr. Chairperson: Would that meet the needs of everyone? Agreed? *[Agreed]*

An Honourable Member: That is not the exact wording.

Mr. Chairperson: Okay.

Mr. Derkach: But the wording we will leave to the Clerk's office.

Mr. Chairperson: Is that agreeable?

An Honourable Member: We know what the intent is.

Ms. Chaychuk: I was just going to mention that usually at the end of Rules Committee, Rules Committee agrees to allow the Clerk's office the scope to do renumbering and minor corrections that are in keeping with the intent.

Mr. Chairperson: So is that agreed? *[Agreed]*

Rule 4(6), shall the rule pass?

Some Honourable Members: Pass.

An Honourable Member: As amended.

Mr. Chairperson: As amended.

Okay, agreed. Pass.

Now we will go to 31(9.1).

Mr. Mackintosh: I understand the point made by Mr. Rocan. Usually, independent members are dealt with as opposition. I think the reason that it was in there, actually, was to try and balance, given that there—maybe I am wrong here. What is the math? How does the math work out? How many private members are there on the opposition side, and how many private members are there on the government side?

Ms. Chaychuk: I can advise that there are 20 private members from the official opposition, 2 independent members, and 16 from the government caucus.

Mr. Mackintosh: So that explains, the rationale is that the independent members were put with the government members because then there was a balance in terms of numbers.

Mr. Derkach: Well, it is far from balanced, Mr. Speaker. You know, maybe I have to have a rethinking on this, because the scales are tipped in favour of the government and the independent members, and us poor, lowly opposition people here seem to be suffering. So I do not know.

Mr. Chairperson: Rule 31(9.1)—pass; Rule 31(9.2)—pass.

Rule 31(10) was to be deleted, but you had some comments to it.

Ms. Chaychuk: Actually, we have come up with a slightly reworded version of 31(10), which we will pass out for the committee to look at, which takes into account the discussion that we had previously.

Mr. Chairperson: Okay. Rule 31(10) as amended—pass.

Mr. Derkach, you have a comment?

Mr. Derkach: I know we have kind of dealt with it, but let me just explain why I have a bit of a concern. Most resolutions are presented by either the governing party or the opposition. Now every individual member has a right to put a resolution in, but we should not allow one member to not allow resolutions to come forward. When you put unanimous consent of the House, that means that, if one member objects, the resolution cannot go forward. It is unfair

to the democratic process, if you like, to have one member have that much control. Is there another way that we can do this?

Mr. Mackintosh: Well, I do not even know why it is said there because it is just a standing practice. I would just start the phrase with the word "House Leader."

Mr. Chairperson: So we will take out "without unanimous consent of the House, the House Leader or designate may not"—we are just taking out the first phrase "without unanimous consent of the House." Okay, "House Leader or designate." Is that agreed? *[Agreed]*

Rule 31(10), as amended—pass; Rule 31(11), no changes to this rule; Rule 31(12), no changes to this rule; Rule 36(1)—pass; Rule 36(2)—pass; Rule 43(3)—pass; Rule 75(1)—pass; Rule 77(1)—pass; Rule 77(2)—pass.

Rule 78(4), shall the rule pass?

Mr. Mackintosh: Okay, this is the last concern we had. You see the sentence in there, "More than one Minister can be questioned at the same time." I just wanted to seek one more caveat on that, and that is regarding a similar subject area. I do not think that is a problem, because the intent was just that. We had it with Crocus, for example, where we had two ministers that simultaneously were called last week. I do not think the intention is to have questions on Justice and Health back and forth.

Mr. Chairperson: So could you read the change you are offering up?

Mr. Mackintosh: I would suggest that, after the word "time" we have in there "on a similar subject area."

* (16:10)

Mr. Derkach: Mr. Chair, "More than one Minister can be questioned at the same time, however notice of this arrangement must be provided by the Opposition House Leader when tabling the list of Ministers on a previous sitting day."

You are wanting to have "More than one Minister may be questioned at one time, provided the subject matter of the questioning is—"

An Honourable Member: Water Stewardship, environment, type of thing?

Mr. Derkach: I do not have any difficulty with that, but as long as it is not going to preclude us from, say, bringing in the minister of environment and the Minister of Conservation at the same time, and we may be talking about fishing and water.

Mr. Mackintosh: I think by using the word "similar," it will have a more liberal interpretation than the wording "the same." *[interjection]* Yes. I just do not think that Justice and Health questions—that is not the intent. This is to make it clear, so it is not like, well, let us have two critics and have two ministers and just go back and forth. That was never the intention. It is just I want to stop any mischief at this point coming from a vague rule.

Mr. Derkach: Agreed.

Mr. Cummings: Well, just on that vein, I guess the Government House Leader (Mr. Mackintosh) may have already answered the question when I think about his answer, but my concern was agriculture, for example, and planning. On the surface, they are not tightly connected, but those can be of parallel interests. So I am just questioning the word "similar."

Mr. Mackintosh: I think it is hard to think of hypotheticals, but usually the Speaker would interpret a word like "similar," I would think, in a liberal way to accommodate debate. I mean the Speaker would tend to err on the side of debate. So I would think that, as long as there is some connection and maybe a political argument in the House, and then the Speaker would have to make a ruling, but if the wording was "the same," I think there would be the member's concern. But I think, "similar," as long as the members can link the two.

Mr. Cummings: The House, in the end, operates on good will, and you are trying to take knots out of the rules. So this may be like asking how many angels can dance on the head of a pin. I do not have a better word, so I am quite prepared to let it sit, but I raise the question.

Mr. Derkach: I think Mr. Cummings does have a point, but if we used the terms "similar or related," somehow those topics are related. Planning and Agriculture can be related, and you may want the two ministers. I think we can work that out.

Mr. Chairperson: So is there agreement to use both "similar" and "related," add that? "Similar or related," is there agreement on that? Okay.

Rule 78(4), as amended—pass.

Mr. Doug Martindale (Burrows): Rule 83(1).

Mr. Chairperson: I have not called it yet.

Rule 83(1).

Mr. Martindale: Mr. Speaker, I have a question for information. In the situation of a minority government, would the opposition parties then have a majority of members on committees?

Ms. Chaychuk: I can advise during the last minority government period, yes, they did, because the seating and the arrangements on committee were done on a party basis by the number of seats in the House.

Mr. Chairperson: Rule 83(1)—pass.

Rule 83(3) to be deleted? *[Agreed]*

Rule 85(2)—pass.

Rule 85(3) to be deleted? *[Agreed]*

Rule 85(4) to be deleted? *[Agreed]*

Rule 85(3), it is new. Shall the rule pass?

Mr. Rocan: Which one are you working on?

Mr. Chairperson: "85(3) Notice of Committee Meetings shall be provided to the Whip of each caucus."

Then they will inform their members.

An Honourable Member: I thought we had done that already.

Mr. Chairperson: No, it was every member had notice. That is why it is new. That includes independent members? It includes all three caucuses. Agreed?

Some Honourable Members: Agreed.

Mr. Chairperson: Agreed. Pass?

Rule 87(1)—what? Yes, we are done. I already said pass. They already passed it.

Rule 87(1).

An Honourable Member: Can I go back to 85(3)?

Mr. Chairperson: Okay, 85(3), Mr. Derkach.

Mr. Derkach: Well, as Mr. Cummings said, the House operates on good will. I think perhaps notice should be given to all offices, caucus offices, leaders' offices, or something, to recognize that independent members are somehow notified about this as well.

Ms. Chaychuk: That is something that is currently done. We have put this in here to indicate that, for the recognized caucuses, instead of it going to individual members, it will go to the whip, because we will not for sure know in the Clerk's office in advance who the committee members are, so we would not be able to give them notices, but we currently do give the notices now to a lot of the offices, ministers' offices; the independent members get them. We send them by fax or by e-mail.

Mr. Jim Maloway (Elmwood): Mr. Chairman, what happens if you have three or four people sitting as independents? Who will get notice?

Ms. Chaychuk: They will get notice. They can get a fax or an e-mail. That is something that is currently done now. I think Mr. Lamoureux will verify that the Liberals do get it.

Mr. Chairperson: Everything that is done now will continue to be done, except each individual member of a committee will not be notified. It will be the whips and the whips will notify their own members, but everybody else that gets it will continue getting it; it has not changed. Okay?

Rule 85(3)—pass; Rule 87(1)—pass; Rule 87(2)—pass; Rule 92(4)—pass.

Ms. Chaychuk: I just wanted to note for the committee that this was changed to six o'clock, in accordance with, I think, an agreement that was struck earlier this morning.

Mr. Chairperson: Rule 92(5), shall the rule pass? *[interjection]* Okay.

Rule 92(4)—pass; Rule 92(5)—pass; Rule 132(2)—pass; Rule 138(3)—pass.

Rule 138(4), no change. Shall that pass? We will just advise that there is no change.

Rule 138(5), no change; Rule 138(6), no change; Rule 138(7), no change; Rule 138(8), no change.

Rule 138(9)(a)—pass; Rule 138(9)(b)—pass; Rule 138(10)—pass; Rule 138(11)—pass.

Rule 138(12), no change; Rule 138(13), no change; Rule 138(14), no change.

Okay. Appendix A, shall the rule pass?

* (16:20)

Mr. Mackintosh: I thought we had plain language this, but sufficient execution of the petition. Gee, I hate to do this at this stage, but "a minimum of fifteen signatures is required" to complete the petition. Is that not just plain language?

A minimum of three signatures is required to complete the petition, or to—

Mr. Chairperson: Agreed? It has been noted, and it will be changed. Pass? As amended? *[Agreed]*

Appendix D, Financial Procedure Guide, Budget Procedure—pass; Appendix E, Speaking Times—pass. We agreed to it? Pass.

Is it agreed that the Clerk be authorized to renumber the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba? Agreed? *[Agreed]*

Is it agreed that the staff of the Clerk's office be authorized to produce revised rule books incorporating all amendments, additions and deletions? Agreed? *[Agreed]*

When will these amendments to the rules, as agreed to by this committee, come into force?

Mr. Mackintosh: I suggest October 27, 2005.

Mr. Chairperson: Is it agreed that it will come into force October 27, 2005?

An Honourable Member: No.

Mr. Chairperson: If you are going to call committees, it has got to be sooner.

An Honourable Member: Oh.

Mr. Mackintosh: Well, the committee has just pointed out that standing committees will meet before then, so let us just say they will come into force immediately, then.

Mr. Chairperson: Okay. Is it agreed that the rules will come into force immediately? *[Agreed]*

Is there agreement that we talked about the Clerk's office renumbering Rules, Orders—is it agreed also to authorize the Clerk to make minor changes, the wording, the word, in conformity of the discussions here today? *[Agreed]*

Are these amendments to the rules as agreed to by this committee permanent changes to the rules or for a specific period of time?

Some Honourable Members: Permanent.

Mr. Chairperson: Permanent changes to the rules, agreed? *[Agreed]*

Is it the will of the committee that the amendments to the Rules, Orders and Forms of Proceedings of the Legislative Assembly of Manitoba, as agreed to by this committee, be reported to the House?

Some Honourable Members: Immediately.

Mr. Chairperson: Immediately. Agreed? *[Agreed]*

The hour, what is the will—

Some Honourable Members: Committee rise.

Mr. Chairperson: 4:25, committee rise?

Some Honourable Members: Committee rise.

Mr. Chairperson: Committee rise.

COMMITTEE ROSE AT: 4:25 p.m.