



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

**DEBATES**  
and  
**PROCEEDINGS**

33 Elizabeth II

*Published under the  
authority of  
The Honourable D. James Walding  
Speaker*



**VOL. XXXII No. 31B - 8:00 p.m., TUESDAY, 29 MAY, 1984.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Hon. Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Q.C., Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	IND
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virden	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Hon. Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 29 May, 1984.

Time — 8:00 p.m.

## COMMITTEE OF THE WHOLE HOUSE REPORT OF THE STANDING COMMITTEE ON THE RULES OF THE HOUSE

**MR. CHAIRMAN, P. EYLER:** Committee, come to order.  
The Member for Elmwood.

**MR. R. DOERN:** Thank you, Mr. Chairman, and the Member for Niakwa in particular. Mr. Chairman, I was attempting before the Private Members' Hour and the conclusion of the afternoon Session to reply to some of the remarks in the debate made by the Minister of Health, because he was putting forward the main thesis of the government, namely, that it was because the opposition obstructed the Legislature and the government in particular from putting through its legislation and its program and its will, it's because of that, that they had to prorogue the House. That is the general thesis, or at least the specific thesis and that, of course, falls in a larger context of the fact that this is democracy being frustrated. That's what he told us today.

Not one person on this side believed it, and I am not sure whether — (Interjection) — well, one person did believe it on this side — (Interjection) — right. And hardly any on the other side believe it, but it sounds good. Blame the Tories and blame the bells and as a result of that, of course, we therefore prorogue the House and carry on.

But the fact of the matter is, Mr. Chairman, that the vote could have been called. There would have been some blood and guts on the floor of the Chamber from the government . . .

**A MEMBER:** It would have stained that blue carpet.

**MR. R. DOERN:** Red.

**A MEMBER:** Red. Blood and guts on the floor.

**MR. R. DOERN:** So, Mr. Chairman, the point is that it could have been called under certain conditions, namely, the condition that the tradition and the practice unwritten, that both Whips have to give the signal to cut the bells. That would have to have been violated. Then the tradition, I suppose, that the Speaker would have to conduct the vote, might have had to resort to the Deputy Speaker to call the vote. Then there would have been a problem with the staff, but perhaps somehow or other that could have been solved. I don't know.

The government was afraid to do that. They had good reason to be afraid to do that because if you'll recall, and it all seems so long ago, there were a large number of people in the province, respectable citizens, many of them never before involved in the political

arena, many before not politicized and all of a sudden, people began to read the papers and follow the news and get aroused and do things, make phone calls, sign petitions, go to meetings and so on and these things, of course, accelerated.

It was because of that, that the government was afraid to call the vote. Now, the House Leader of the Conservative Party - I think he baited the government - and he said he would have done it. I know that Mr. Sidney Green, who was another tough hombre, he said he would have done it. Not only did he say he'd do it, he did it you say. We know that if he said he would do it, he would do it, we know that. But, of course, even though he had some uses of closure and this was mentioned before that closure has been used, never, Mr. Chairman, never, maybe in Canadian history have you had closure in regard to a constitutional amendment. The only other time that you had closure outside of committees, etc., was in the days of the Bracken Government, 60 years ago when there was a closure on a Throne Speech.

Now nobody here is going to argue that an extended debate on a Throne Speech - and we don't know the details - I don't know if anyone has done the research, but an extended debate there in no way compares to what we were involved in. There just isn't that kind of concern and any other invocation of closure over the years has never compared to this. There was never the public reaction or the public interest or the public concern.

Now if the government brought this legislation in a year ago, Mr. Chairman, there wouldn't be this debate, there wouldn't be the newspaper headlines and the public interest and concern. There would have been a discussion concerning whether or not we should have a limitation on bell ringing in relation to other provinces and in relation to the Federal Government and the Federal Conservatives' use of bell ringing.

You know, one has to know the details before one can make a judgment because there is in regard to Ottawa - and I don't really know the details, I don't recall the details - there are people who will say that there is the use of bell ringing and the abuse of bell ringing. It's usually described as an abuse. That's the word that tends to come forward through the media and through other people and through certain columnists.

Let anyone in Canada who thinks that there is an abuse of bell ringing in Manitoba study what happened. Let them look beyond the inaccurate articles and editorials in the Eastern Canadian Press and the Vancouver Sun which wrote one of the worst articles I think I've ever seen in my entire life, which said, triumph of bigotry or bigotry triumphs or something along those lines in regard to the House being prorogued. That's the context and the mental set that was established across the country and I must say to the government that they are themselves among the most guilty in the province and in the country for putting forward the notion that Manitobans are not a friendly people, not

liberally minded, not fair and square with their French-speaking neighbours, not a province in which the multicultural and multilingual nature is recognized. They are the ones that put out the falsehood that those who opposed their legislation were a bunch of bigots; and I'm sure that their hearts were overjoyed, Mr. Chairman, when they saw some seedy piece of reporting a few months ago saying that somebody in Vancouver who claimed to be in the Ku Klux Klan claimed to have infiltrated, "Manitoba Grassroots". Well that was pretty feeble reporting. It's possible that there were one or two people who sent in coupons who were a member of that disreputable organization, but it's also possible that there were some disreputable people who were supporting the government but we didn't make a great to-do about that.

We did have Paula Fletcher here and I must say, Mr. Chairman, of all the witnesses that came before the committee that I thought struck out, she struck out. I thought that she was probably an intelligent representative. She looked intelligent; she appears to be well educated. She came to our Committee and she was afraid to answer questions. We put a few questions to her and she just cut off the answers and stomped out of the committee. I haven't heard people running around saying the Communist Party backs the NDP or the Communist Party backs bilingualism. I mean they formally came to the committee and did that, but none of us are running around trumpeting that from the rooftops or taking any consolation in that occurrence.

Mr. Chairman, the government talks about endangering democracy, and I'll go back to that point once more and then move on. Who was listening to the public? Who was listening to the people? Who was representing the people? Who was dialoguing with the people? Who was talking to the people? Who was in touch with the people of Manitoba in the deepest sense, not the superficial sense, but who was on the same wave length?

Was it the government that was pushing official bilingualism or was it the opposition that was saying, in effect, that they, like their constituents, like the majority of Manitobans, were willing to provide French-speaking Manitobans with their lost rights and were willing to make changes and improvements over and above, over a period of time by a process of evolution, not by the stroke of a pen, not by misleading or misinterpreting what has happened historically, but by good will and by common sense, not that giant leap off the cliff that the government was prepared to make. — (Interjection) — Mr. Chairman, I hear from the one certified guaranteed fanatic in the House, the one who sat there for a whole year and screamed at me and everybody else, bigot. That was his word and he screamed it hundreds of times in this House.

Mr. Chairman, I have to say to that member and that Minister that he has not been a credit to this House. I also say to him what a very famous English writer once said about another famous English writer, what Carlisle once said to Swinburne, "He is sitting in a sewer and adding to it."

Mr. Chairman, I say that . . .

**MR. CHAIRMAN:** Order please.

The Honourable Government House Leader on a point of order.

**HON. A. ANSTETT:** Yes, Mr. Chairman, I've listened to the honourable member since the House reconvened at 8:00 o'clock . . .

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. CHAIRMAN:** Order please.

**HON. A. ANSTETT:** Mr. Chairman, I have yet to hear the honourable member refer to the matter under discussion; specifically the amendment and the details of the amendment. I would submit, Sir, that our Rule 64(2) should be observed by all members in this debate.

**MR. CHAIRMAN:** I would ask the Member for Elmwood to please make his comments more specifically relevant to the items under consideration in committee tonight. The Member for Elmwood.

**MR. R. DOERN:** Mr. Chairman, I am replying for the benefit of the House Leader who believes he's also the Speaker. I'm replying to the Minister of Health and his general statement, but I'll narrow my remarks down further.

I will also say this, what the Minister of Health said. He complained, like many of his colleagues has, about the fact that the Lyon Government and the Premier took a position in the constitutional debate and then sent out pamphlets and then held hearings and he complained about that. It think that's a point.

Then we see what the New Democratic Government has done and if it was wrong for the Conservatives to do what they did, then it was equally wrong or far worse, but wrong as well, what the New Democrats did. I don't think any New Democrat can take consolation in the fact that two wrongs make a right. If it was wrong for a lesser thing, it surely is far more wrong for something worse.

Mr. Chairman, in addition to the 15-minute limit which I think isn't necessary, has never been necessary before in our history, the government is also going to have the interesting procedure of meeting with the Speaker to explain why certain members cannot be present. That is going to be pretty tough, that is going to be really something. I'd be very interested to sit in on some of those meetings that are going to take place if this legislation goes through. — (Interjection) — Because Mr. Chairman, the Speaker will have to make a judgment call. I'm telling you that that is going to be extremely difficult. It would seem easy in certain instances. It would seem easy if the House Leader goes to the Speaker and meets with him in his Chamber and says, well, we have six Cabinet Ministers in Ottawa and we're going to pull two of them from the conference. They'll be home tomorrow morning at 10 o'clock or for the 2 o'clock Session whatever, and therefore we want the bells held. Well, that sounds very impressive because when you talk about Ministers and you talk about conferences, you talk about government business; all of us our instantly impressed.

However, what happens when the Conservative House Leader says, well he has four of his people in southwestern Manitoba or in Newfoundland or wherever they are, working the fields or working the constituency, and they have to be pulled back for the vote. Well,

then what is a government going to say? Are they going to say, well look, sorry this is not government business, this is private business or maybe it's fair and it counts in Swan River, or it's something or other in Minnedosa or Neepawa, or maybe it's something in Roblin-Russell, but that does not compare to government business.

It has to be something that is capable of being paired, something on a level with being paired. I'm telling you, Mr. Chairman, there's going to be some interesting problems associated with the asking for an extension of the bells. The maximum time according to this is 24 hours. There may be some interesting discussions of that as well.

Mr. Chairman, I'm simply saying to the government that they should not cut off their nose to spite their face. We already saw that particular instance where the government had a hard time coming up with enough members within a 15-minute period. That was not too long ago. There's only one instance and it was by the grace of the House Leader and a few of his colleagues that the government was sustained on that particular instance.

The final point that I would make here, Mr. Chairman, is that government works through co-operation and that the House Leaders have to co-operate to a certain degree and members must co-operate to a certain degree.

Mr. Chairman, I have asked the House Leader in this House whether or not he would be kind enough to, if not consult with the Member for Brandon West and myself, to at least inform us as to what the business of the day is or what the plans are for the week. No way. No way would he consider that. No. He wouldn't lower himself to talk to someone other than the Conservative House Leader. — (Interjection) — I think I already heard the answer over there, you got it. That is the tone of the House Leader; arrogance and stupidity, but in particular, unwilling to just provide the courtesy to a couple of members in terms of providing them with information and on occasion exchanging information or maybe asking an opinion.

Mr. Chairman, if that's the way the game is played, then there can be difficulty on both sides. Just as the official opposition can stall the government, so can individual members, independent or otherwise.

Mr. Chairman, I'll simply conclude at that point, and say that this is bad legislation. This is legislation that does not stand on its own, and does not stand up to scrutiny. I believe that the official opposition should fight it and that the official opposition should vote against it. If this is all there is, if that's all there is and there isn't a reasonable amendment and there isn't a reasonable proposal in regard to constitutional amendments, then all stops should be pulled. If it is necessary to resort to bell ringing and if it's necessary to walk out of the Chamber, then that too should be used as a weapon against bad legislation that is being taken out of context.

**MR. CHAIRMAN:** The Member for Fort Garry.

**MR. L. SHERMAN:** Thank you, Mr. Chairman. It is not my intention to speak at great length on this subject because I feel, Sir, that I already have attempted perhaps in an unrewarded way to put my concerns with

respect to this proposal on the record in two forums already, and as clearly and emphatically as I can do.

Forum No. 1 was the actual Rules Committee itself, during the recent meetings of which I spoke on two or three occasions as strongly as I could in opposition to the proposal being brought forward and pursued by the government. Forum No. 2 was this Chamber when the motion was introduced by the Government House Leader to accept the report and refer it to this committee. During the debate on that motion again, Sir, I spoke out as strongly as I could, and those remarks are on the record. Those remarks were delivered on Tuesday, the 8th of May, 1984, on Pages 525 through 528 of Hansard. I certainly don't intend to force members of this committee to endure a repetition of them.

I would ask them if they had any concern and regard for the position that the opposition takes with respect to this subject to review those remarks and the remarks of my colleagues, in particular my House Leader, the Honourable Member for Lakeside and the Honourable Member for Virden, who together with me are members of the Rules Committee, and re-examine what it is we have attempted to say where this particular initiative of the government's is concerned.

Sir, I can't let this stage of examination of this proposal go by without putting something on the record, notwithstanding my assurance of the past few moments that I certainly don't intend to repeat what I have said at earlier stages of the debate. But I want to say, Sir, that this proposed rules change that has come forward from the House Leader and the government as a consequence of the committee hearings represents for me the response of a government that is terribly insecure and unsure of itself. In proceeding in the way in which they are proceeding, it will be very clear to the people and the public of Manitoba that they are precisely unsure of themselves and insecure in their position.

Nobody who has had even a passing acquaintance with the affairs of the province and the people of Manitoba, as conducted through this Legislature over the past 10, 15, 20 years, could be concerned in the slightest, Sir, that the kinds of fears that they have raised with respect to opposition action on unpopular or unwelcome government initiatives would be realized in the future, would be carried out through the medium of frivolous and irresponsible utilization of the bell-ringing procedure.

Nobody with any acquaintance of our history could be afraid of that, Sir. They have seen, through years past, that the weapon that has been available - because our rules have been silent on it - has been used very responsibly and very seldom and only in this instance where we faced a very critical and unpopular, arbitrary, authoritarian attempt by the government to do something against the will of the people, was the mechanism invoked to the extent that seems to have disturbed the government so grievously.

To respond to that situation, which was a unique one, by bringing in this kind of legislation, I think, as I've said in the past, represents and reflects a very sad and sorry day, legislatively, for Manitoba and certainly is symbolic and symptomatic of a terribly insecure government.

It's also symbolic of a party that is out of touch with real events. Any party that truly is in touch with people

and people's feelings knows that there is absolutely a miniscule likelihood - probably no likelihood at all - that that kind of use and utilization of that kind of mechanism is not going to repeat itself in this Session and probably for many Sessions to come.

It arose because of a unique situation in which a government, insensitive to the wishes of the people, was attempting to ram something through that was going to change the nature and the composition of society in Manitoba without a public mandate. If the government wants to do that again, then of course, without any limitation on the bell-ringing mechanism, they would very likely, Sir, face the same kind of invocation of the same kind of procedures from us again; but I doubt that this government will do that again. I doubt this government will ever again attempt to do something as blatantly in opposition to the wishes of the people. They won't touch that kind of tactic with a 10-foot pole. They've been burned; they've learned their lesson and as my colleague, the Member for La Verendrye says, they won't get another chance, so what are they afraid of?

The fact that we've operated here without any limitation on the use of that mechanism for the length of time that this Legislature has been in existence, apparently is of no concern and no interest and no significance to them, so that reflects a party, as I say, that is out of touch with real events and out of touch with reality and out of touch with the way real people feel and operate.

All I can say, Sir, is that the rule change being proposed by them represents a measure of revenge by the House Leader, revenge by the government for a stinging defeat. They couldn't accept the defeat that they were handed by the people of Manitoba, which was delivered legislatively through the instrument of the opposition in this House, and so . . .

**HON. A. ANSTETT:** Legislatively?

**MR. L. SHERMAN:** Yes, legislatively. The Government House Leader raises a question about my use of the term "legislatively." I say, Sir, speaking in the legislative context, speaking in the context of a question that went to the people of Manitoba, and it was through their legislation permitting the plebiscites and referendums that permitted it to go to the people of Manitoba, and it was through the many lobbies and representations that came down here to this Legislative Building and spoke to us and spoke to them and participated in committee hearings and participated in meetings with us in the opposition, that the case against the government's initiative was made, and I call that a legislative process. Whether in fact it was part of an actual legislative instrument like a bill or an act has nothing to do with it. It was a legislative, democratic process.

They were defeated in that process and the opposition of the people of Manitoba to the authoritative initiative that they were attempting to undertake was delivered through the instrument of this opposition. As a consequence of the opposition, the government left the field in defeat and disarray. They lost that battle. They're not able to accept that and this rules change that is in front of us at the present time, this proposal

represents nothing more, Sir, than a reaction of revenge, an attempt to salvage some kind of saving grace, some kind of satisfaction, from what has been a very stinging repudiation for them. I think that is a very questionable, in fact a very negative and destructive kind of justification for legislation and the people of Manitoba are not served well by it at all.

The arguments that have been raised about the measures preventing open or unlimited bell ringing in other provinces are specious arguments, Mr. Chairman. Again and again this government and government spokesmen have tried to argue that there are limitations on the use of that mechanism in Ontario, and in Quebec, and in Alberta, and in B.C., and therefore we are justified in having limitations placed on it here in Manitoba. But as we've attempted to point out, and our attempts have fallen on deaf ears in this House, but not in the public - the people of Manitoba know - those provinces that have been cited in those arguments by the Government House Leader and his colleagues have never faced the kind of arbitrary, unilateral, dictatorial attempt as we faced in this province when that government attempted to amend the Constitution of Manitoba and Canada via the back door, without consulting the people, without a mandate from the people and, in fact, against the demonstrable wishes and will of the people. So to raise arguments about what is in place in Alberta and Quebec and Ontario to limit the use of that mechanism is specious in the extreme, Mr. Chairman.

It is calculated by the Government House Leader and his colleagues to obscure the basic fact that no other Legislature, no other province in this country has faced that kind of an attempt to circumvent the wishes and the will of the people. That government over there, Mr. Chairman, attempted to bulldoze something through against the wishes of the people. We haven't seen such examples elsewhere, and if we did I would be the first to say, let the opposition ring the bells and postpone the vote and maintain the debate, until the message gets through and until that government, of whatever stripe, in that province, attempting to do that, gets the same message that the government in this province got, that message being that they are wrong and they better flee the field in retreat and in defeat before they do any further damage.

Mr. Chairman, I conclude my remarks on that note. I began by saying I don't intend to repeat my comments of May 8th, in the debate on the original referral motion or my comments made in committee earlier this year, but I didn't want to let this stage of examination of this initiative pass without putting my very deep opposition to this measure on the record.

This is a sorry day, legislatively, for Manitoba, that a government so out of touch, so insecure, so determined to win revenge for losing a battle in the arena of public opinion, should bring in this kind of a heavy-handed, sledgehammer measure, changing rules, changing accepted procedures, which have served this province and the people of Manitoba so well for 114 years.

Mr. Chairman, we see this measure come forward in this stage at this time with deep deep regret and we say that the people of Manitoba will regret it for now, and when the next election comes in this province, that government will regret it, and regret it very deeply.

**MR. DEPUTY CHAIRMAN, H. Harapiak:** There was a suggestion made that we proceed clause-by-clause. I

take that to mean paragraph-by-paragraph. Paragraph 1, Clause 10(3), that the existing Rules 10(3) and 10(4) be renumbered as 10(6) and 10(7) and that the following new rules be inserted. 10(3)—pass; 10(4).

Paragraph 1, Subsection 10(3) THAT not more than 15 minutes after directing that the members be called in, the Speaker shall order that the division bells be turned off, and shall again state the question and shall immediately order the recording of the division - the Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Chairman.

I want to just add a few comments on this 15-minute bell ringing. For the Member for Wolsey's information, I didn't know that this government now is restricting the number of times one can speak on anything. Is this the new order in the Province of Manitoba that the MLA for Wolsey is placing upon us, that one cannot speak on this matter? I mean, you're trying to muzzle the MLA for Elmwood at every turn, but please leave me alone.

Mr. Chairman, I have spoken on this 15-minute time limit before. I simply ask members of the government, particularly those members who have offices outside of this building, if 15 minutes is long enough for them to get here to participate in a vote?

Mr. Chairman, the second part of that question is: will the fact that they're outside of this building be the reason they come to you, Sir, Mr. Chairman, or to the Speaker, saying that we need a delay and an extension beyond 15 minutes? What are going to be the flimsy kind of reasons that the government is going to use to save their political hides when they can't muster enough people to win a vote within the 15-minute time limit? The Speaker is going to be compromised on this on constant occasions and you, Sir, Mr. Chairman, will also be compromised on this from time to time.

I just want to, once again, refresh honourable members' memories, going back about two weeks ago when we had a vote on the Attorney-General's Salary, when the motion was to reduce it to \$1.00. Your Government House Leader knew that vote was coming and in his lack of ability to run the business of the House, he never informed the Whip. You could not muster enough people to secure the Attorney-General's salary on a vote that was scheduled for over two days. The Government House Leader was sitting in the committee at which the motion was moved, and he does not have the ability to inform the caucus of the governing side of this House that a vote was coming and to be there.

That is the kind of competence that you have in your Government House Leader, and he's pushing for a 15-minute time limit on bell ringing. He will be running to the Speaker on bended knee, begging and pleading and tugging at the threads of the Speaker's robes, asking him for an extension of time, crawling on his hands and knees to get it, because he can't competently deliver people on a vote he knows is coming two days ahead of time. What is he going to do on 15-minutes notice, Mr. Chairman?

Mr. Chairman, that motion on the Attorney-General's salary, I think the record has to show once again, passed because four members on our side of the House, four opposition members left the Chamber so that the

government short-handed could win the vote. Now, Mr. Chairman, the Government House Leader in his usual half-truth speaking says, we ducked the vote. We left the Chamber, four of my colleagues left the Chamber so we could get on with the business of the House, so we could get on with consideration of Estimates, something that I remind all members here that during January and February we were told by anyone who had the opportunity to speak on that side of the House that by not getting on with the passage of the constitutional amendment, we were delaying the business of the House, and that we were wrong in opposition for ringing the bells, for opposing the closure motion, for debating at length and amending the proposal so we could continue to debate it. We were chastised for delaying the business of the House. On the Attorney-General's salary where we left to get on with the vote so that we could proceed to Estimates, what does this Government House Leader now say? You ducked your own vote.

He is such a pompous little fool, Mr. Chairman, that he doesn't recognize that this House operates on co-operation. That is what we gave him the other day on a motion that he knew was coming two days ahead of time, and didn't have the ability to communicate it to his own caucus and his own Whip.

Now, Mr. Chairman, we are asked by this Government House Leader to accept a 15-minute bell-ringing time limit. Well, I simply ask him: is that enough? More importantly, Mr. Chairman, I ask you, will this make this incompetent government any better? That's an important question. Will the 15-minute limit on bell ringing make this group of incompetent legislators a better government?

Well, let's just do a little bit of recollection, Mr. Chairman. You were here for the entire debate. Last summer as we approached August 18th, we came to an agreement finally on the French language accord that we would pass all of the bills if the government would take their proposal out to public hearings. Then we would come back and consider only the French language resolution. Now that was back on August 18th.

It is now the 29th of May. That is over nine months later. We are back in this House. You can do a lot of things in nine months, Mr. Chairman. I hear calls from the backbench: we have, we have. Well now, Mr. Chairman, in January and February when we had but one issue before this House, and that was the French language accord, when the Government House Leader would allow debate and not put on closure and when they would allow the odd one of their backbenchers or their front bench to speak on it, what message did we hear?

We heard the message that the government has to get on with the business of the House, that the opposition is delaying important legislation, important business of the House. Well, nine months after the last Session ended, we have two pieces of legislation before this House. We have been in this Session for seven weeks, Mr. Chairman, better than seven weeks. Where was all the business that was urgently needing passage and consideration by this House last January and February when this incompetent government through closure and through rule changes were trying to ram through a constitutional amendment on the guise that they had to get on with the important business of the



province? Four months later, we have two bills before us that aren't standard, routine bills, and we have got another one which is a Private Members' Bill, but that's not government legislation. Two pieces of legislation and the Legislative Counsel, the drafting people, haven't had a thing to do since August the 18th when the House formally adjourned its Legislative Session only to continue on one issue and one issue only; namely, the French language accord.

Where was the urgency? Yes, Mr. Chairman.

**MR. DEPUTY CHAIRMAN:** Order. I think we have been reminded on several occasions, we should make our comments relevant. I think that we are straying a long way from the relevancy of this particular paragraph.

**MR. D. ORCHARD:** Thank you, Mr. Chairman.

The important thing in what we're doing here, Mr. Chairman, is we are changing the rules. We are changing the rules so that it allows only 15 minutes for bell ringing. Theoretically, that is going to speed up the business of the House. That's theoretically one of the convoluted and far-reaching and, if you really stretch your reach, you might be able to grab ahold of that as a reason for passing a 15-minute bell limit.

What I am pointing out to you, Sir, is: will that 15-minute limit help this gang of incompetents that you are unfortunately part of in government? Because I point out to you, Sir, would a 15-minute limit on bell ringing have got more than two pieces of legislation ready to go before the House in nine months, Sir? What is this 15-minute bell ringing limit going to do? If it was in place, would we have 20 pieces of legislation before us seven weeks into this new Session? I can't answer that. Can anybody who is a member of this gang of incompetents answer that? I doubt it, Mr. Chairman.

So we're sitting here, we're passing, we're going to have rammed down our throat a rule change, the first one not undertaken by consensus. It's already been proven, Sir, that it won't work, because if we had the 15-minute rule, the Attorney-General would be getting paid \$1.00 — (Interjection) — my colleague says he'd be getting paid what he's worth. I think that's more than he's worth. The Attorney-General would be getting one dollar, or the alternative would be they would have come running to you.

The Government House Leader would have come to on hands and knees begging for an extension in time for a day, two hours, three hours, who knows how long we would have to wait with the bells ringing, but that would have happened. We've already proven that the 15 minutes is wrong, it won't work and secondly, the global question has to be, would it make this government a better government? I say clearly that there wouldn't be one more piece of legislation brought before this Legislature by this incompetent government in nine months if the bell-ringing limit of 15 minutes had have been in place. It's of no help to the flow and to the process of this House, it will be a hindrance. It will be like the albatross around the sailor's neck, only it'll be around the government's neck, but that's fine. They've made many mistakes before and they're making another one. It will not make them better government, it will make them worse government. That is the

unfortunate part of this amendment. It'll make a bad government worse, it'll make it worse for the people of Manitoba to live for the next two years under this incompetent New Democratic Government and that is the tragedy of this rule change.

**MR. DEPUTY CHAIRMAN:** Paragraph 1, 10(3)—pass; Paragraph 1, 10(4) - the Member for La Verendrye.

**MR. R. BANMAN:** Thank you, Mr. Chairman, I want to make a few comments and point out to the government the position that they've put themselves in with the passing of this particular rule change.

Mr. Chairman, we had, as mentioned by the Member for Pembina, an incident several days ago which I guess sort of highlighted the lunacy of what the government is trying to do. Let me, Mr. Chairman, just give an example of what can happen to the government under this rule change.

The government, I believe, is trying to implement this change to try and make this Legislature run more smoothly. Let's see in essence what could happen to them under this rule change. According to this section, Mr. Chairman, the Chairman will determine when the vote is held after talking to the two Whips. Well, Mr. Chairman, everybody knows that in this Legislature, the opposition has less votes than the government. Really, if the opposition has two less or three less or four less or five less, they still lose. It really doesn't matter how many you have in this House. So, really when the vote is called is not of a big consequence to the opposition. It's nice to have your numbers up and have as many members here, but really there is no panic if we have 15 members in here or 22. Mr. Chairman, that's why we're in the opposition, if we had more we'd be over there.

So, Mr. Chairman, you've now got a situation developing where the Speaker is going to determine when the vote is going to be held. So, who is going to ask the Speaker for more time - 99.9 percent of the time it's going to be the government because the government is scared of losing the vote. The opposition won't ask for more time, it's going to be the government.

So, this clause, of course, is self-serving as far as the government is concerned. Let's take the hypothetical example of where, like last Thursday, we had five Ministers paired, last Tuesday at one time we had four Ministers paired, and we've got four Ministers paired this evening. What happens if members opposite suddenly find the squeeze is on - they've got a couple of backbenchers who didn't come in for one reason or another, it's a nice day and they couldn't get them in - the Speaker says, okay, you've got members gone, I'm going to give you an hour to bring your members in. The government brings in a number of members, can't get hold of the rest of them; the opposition, seeing that they're short of numbers, suddenly says this is a very important issue, the pairs are off.

Mr. Chairman, this . . .

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. H. ENNS:** This breaks the pairing system in the House.

**MR. R. BANMAN:** . . . Mr. Chairman, we have had a pairing system in this House and that is where the



members opposite have not sat down and thought this whole thing out. What you're really seeing is, if the Speaker is going to say that you are allowed a certain amount of time to bring your members in, why bother to have pairing anymore? Why bother to have pairing?

I'm saying to the government, you had the best of all worlds before, and the system had worked - in my eleven years in this Chamber, had worked extremely well. It was when a government bent on doing something against the wishes of the majority of people in this province, went ahead and tried to ram something through that the people did not want to accept.

Mr. Chairman, that's when the problem arose. It wasn't a problem of bell ringing. It was a problem of a government who was out of touch with the people doing something against the wishes of the people. What we see happening here, and I know there have been some rule changes implemented in this House not by total consent of the House, that has been done before, but, Mr. Chairman, I want to tell you that in my 11 years . . .

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. R. BANMAN:** Mr. Chairman, we have seen here in the last year, a situation develop where - as the Member from Fort Garry pointed out earlier - we saw a government who were beaten soundly. Mr. Chairman, why were they beaten? Because they would not listen to the people and they tried to force something through which the people didn't want. Here we once again see the same government, who have not learned their lesson from that experience, are once again ramming a piece of rule legislation, if you want to call it, rule changes, they are putting it through the House without unanimous consent of this House.

Mr. Chairman, there are people out there that have known for the last while that this government doesn't want to listen and is doing things arbitrarily. Here is another classic example of the government moving unilaterally without the support of the majority of people in this Chamber. This is the first time this has happened in my 11 years here, and this follows on the heels of another experience which they had to or tried to use the force of their majority to inflict something which the majority of the people didn't want.

Mr. Chairman, I suggest to you that the majority of people in Manitoba don't want this rule changed. They feel the other rules, the way they were, served them very well. I suggest to members opposite that while trying to make this rule more advantageous to them, I want to say that it could cause them a lot more trouble than the existing rule. I say to them that they would be best off to forget about it and get on with the business of the House and leave the other rules in place so that we can move on and get the Estimates as well as the legislation cleaned off our Order Paper.

**MR. DEPUTY CHAIRMAN:** Paragraph 1, Section 10(4)—pass; Paragraph 1, Section 10 (5)—pass; Paragraph 2—pass.

Paragraph 3 - the Government House Leader.

**HON. A. ANSTETT:** I had indicated that upon completion of the committee stage and the report, I

did have an amendment - perhaps the Clerk has it in motion form - with respect, Mr. Chairman, to constitutional amendments for our rules, I would then move

THAT the report of the Standing Committee on the Rules of the House be further be amended by adding thereto the following, by leave.

New Section 23(1).

23(1) The Budget shall not be presented until the debate on the motion for an address in Reply to the Speech from the Throne is concluded or during the first ten consecutive sitting days when a motion pursuant to Rule 36.1 is on the Orders of the Day for consideration by the House.

New Section 36.1

36.1 (1) Debate on a government motion proposing amendment to the Constitution of Canada pursuant to Part V of the Constitution Act, and on any amendments proposed thereto, shall take precedence over all other business for ten consecutive sitting days unless debate has previously been concluded.

(2) Such a motion shall not be introduced until the Throne Speech Debate has been concluded.  
(3) Such a motion shall not be introduced when the debate on the motion for approval by the House in general of the budgetary policy of the government is on the Orders of the Day for consideration by the House.

37(3) This Rule does not apply to a debate on a motion for an Address in Reply to the Speech from the Throne, or to a debate on a motion to go into Committee of Supply or to a debate on a motion pursuant to Rule 36.1 for the first ten sitting days of any such debate.

63(3), a new Rule.

63(3) This Rule does not apply to a debate on a motion pursuant to Rule 36.1 for the first ten sitting days of any such debate.

Mr. Chairman, I believe the Clerk has copies for all members.

**MR. DEPUTY CHAIRMAN:** How does the committee wish to proceed with . . .

The Government House Leader.

**HON. A. ANSTETT:** Thank you, Mr. Chairman.

Mr. Chairman, as members will recall, particularly those members who are on the Standing Committee of the Rules of the House, there was some concern expressed by members of the opposition about the fact that the provisions of our rules did not make any special arrangement with respect to constitutional amendments.

Mr. Chairman, the opposition moved two amendments which would specifically have been directed at constitutional amendments when they are under consideration by the House. The government members on the committee could not support those amendments and indicated their reasons therefor, however, we did suggest at that time that we saw merit in offering for consideration by members on both sides

a proposal which would guarantee a minimum set time for a constitutional resolution to be debated, and that that time would be exactly that, a minimum. The debate could extend for weeks, or months, but there should be an assurance that the debate could not be cut off by the use of the previous question or by the closure motion for the first 10 days, just as the closure motion cannot be used on the Throne Speech or the Budget. Those two motions are exempted from that motion.

So that there is a guarantee then, Sir, that those types of motions, Throne Speech, Budget, and constitutional amendment are assured either in the case of the first two, eight days of guaranteed debate unless debate concludes sooner, or in the case of a constitutional amendment, 10 days.

That debate, Sir, unlike the Throne Speech and Budget would not automatically conclude at the end of the 10 days. Then, however, the option would be available depending of the will of the Legislature to entertain a closure or previous question motion. Those rules would then become operable. But as members have been so quick to attest they have been seldom used and they are not the types of rules that any government enjoys or wants to use except in extreme circumstances.

So, Mr. Chairman, I think it should be pointed out that the rule was designed to seek an accommodation. Because of differing views we on this side certainly recognize that it does not go all the way to addressing the concerns expressed by members opposite in the committee. But during the last several weeks there have been discussions with members opposite and I believe there is a level of concurrence that although this may not address all the concerns with respect to constitutional amendments it goes some way and will meet with approval from both sides of the House. I trust, Mr. Chairman, that will be the case.

That is general introduction, Mr. Chairman. I'll go through them item by item now if members wish, or as we come to them to explain the detail. — (Interjection) — Thank you, Mr. Chairman.

Mr. Chairman, Rule 23(1) specifically provides that the Budget shall not be presented until debate on a motion for the Throne Speech is concluded. That's the existing rule up to the word "concluded" in the third line. The provision that the Budget cannot be presented during the period of time that an amendment is under consideration insures that the amendment takes precedence over all other business. So the last four lines from the words "or during the first 10 consecutive sitting days" to "consideration by the House" are an addition to the existing Rule 23(1). The intent, Sir, because both an amendment and the Throne Speech and the Budget Speech are all matters which will take precedence during the allotted time is to insure both in 23(1) and again in 36.1 Subsections (2) and (3) that these three different types of motions which take precedence over all other motions cannot in any combination be on the Order Paper at the same time. That explains, Sir, 23(1), 36.1(2) and (3).

36.1(1), Sir, provides the status of precedence over all other business to an amendment which flows under Part 5 of The Constitution Act 1982, and any amendments proposed thereto. Members will note that the wording of this new rule is similar to that provided for both the Budget and the Throne Speech. The

language is very similar except the word "eight" has had substituted therefor the word "ten". So it's two full weeks of guaranteed debate.

Mr. Chairman, Rule 37(3) is identical to the present rule up to the word "Supply" in the fourth line. That's the way the rule presently reads. The motion as presented would add the specific provision that the rule does not apply during a debate on a motion pursuant to Rule 36.1 for the first 10 sitting days of any such debate. So that the time allocation rule, or closure rule as it's popularly called under Rule 37 cannot be applied during those first 10 days.

Rule 63(3), Mr. Chairman, specifically prohibits the use of the previous question motion which precludes amendments and therefore would be a form of limiting debate during those same first 10 days of the debate.

Mr. Chairman, I trust that members on both sides have had an opportunity to review the proposal. I welcome their comments and I trust that members will find that the proposal commends itself, if not as being exactly what anyone specifically wanted, as a reasonable compromise to provide the guarantee of minimum debate that was offered during the Rules Committee discussion.

**MR. DEPUTY CHAIRMAN:** How would the committee choose to proceed - clause-by-clause?

**HON. A. ANSTETT:** Clause-by-clause.

**MR. DEPUTY CHAIRMAN:** 23(1)—pass.  
36.1(1) - the Member for Elmwood.

**MR. R. DOERN:** Mr. Chairman, I want to speak on 23(1).

Mr. Chairman, it's hard to know just what words to use to describe the government proposal. But I think one set that would be appropriate would be - big deal. I mean what is the government offering the opposition here have — (Interjection) — burnt offering is probably as good a suggestion as will come, a burnt offering.

Mr. Chairman, they are going to set aside 10 days of a Session for a debate on a constitutional amendment. Well, considering that an average Session nowadays lasts four months or five months, and a two-week period on a constitutional amendment is not a long time. If you consider what we went through in this province recently and the time that it took to understand the proposals and for the media to comment, for the members to consider and for the public to familiarize themselves and understand and react to those proposals, that took months. All of a sudden now, we're putting ourselves in a position where the government is going to provide us with the following minimum: 10 days of debate and 15 minutes of bell ringing. They expect on that basis that members of the opposition and members of the public will buy this particular proposal.

Mr. Chairman, 10 days of debate and discussion to reverse the progress of a century is not a long time, and 10 days of debate and discussion followed by 15 minutes of bell ringing to turn Manitoba from a multicultural and multilingual society, in which English is the working language, into a province that is officially bilingual and will fragment and fracture the harmony

that exists is not a long time. Mr. Chairman, 10 days and 15 minutes to destroy the harmony that has been building up in this society, in this province, since 1870 is not a long time.

So, I simply say that nobody on this side of the House should be fooled that this is somehow or other a concession or compromise, that it's a trade-off, that whereas the government is going to limit bell ringing which proved to be the basis of the opposition attack on the government's proposals, bell ringing, which saved Manitoba from the curse of official bilingualism, that they're going to give us this burnt offering, this trade-off in exchange and that is that we're going to be allowed to 10 days of discussion. Now isn't that nice! Yes, minimum. If we're good little girls and good little boys, we might get 11 days, and if we watch what we say and we don't attack the government, we could even get 12 days, so it's strictly on good behaviour.

Mr. Chairman, I say that you have to fight fire with fire and that's why the members of the opposition were willing to use strong tactics to oppose strong measures from the government. So now we're going to be given what superficially looks important, because the government is quick to point out that, well, you know, the Throne Speech is eight days and the Budget is eight days, so we're going to give you 10 days. — (Interjection) — Well, that's right, the honourable member says that the Throne Speech is an annual occurrence and event; the Budget is an annual occurrence and event. But there are many many other opportunities, Mr. Chairman, to debate the contents of those documents. The Throne Speech, as we know, is a very general document; it's only broad outlines.

I still don't know how to characterize this year's Throne Speech. This to me was the wife-beating Throne Speech. One of the few things that sticks out in my mind is that the government is opposed to wife beating, and that certainly is a popular position and it's one that nobody is going to argue with.

**MR. DEPUTY CHAIRMAN:** I wonder if the Member for Elmwood would stay on the subject that we are discussing right now, which is the constitutional change.

**MR. R. DOERN:** I am on it, Mr. Chairman. We're talking about the fact that there is going to be a 10-day limitation on the constitutional debate and I'm making the point that the government is trying to suggest — (Interjection) — you know, the Member for Wolseley, who is a very learned parliamentarian, says it is a minimum. Well, I have to tell her that it's also a maximum, that when you set minimum standards, they very frequently become the maximum and people quickly, as in the minimum wage and other things, consider that the farthest that they will go. All that we're guaranteed is that there will be 10 days of debate and 15 minutes of bell ringing, that's all. That's all we're sure of. The fact that other debates are limited to eight days . . . .

There is the suggestion here that we're putting this on a par with the Budget and with the Throne Speech. That's my point, Mr. Chairman, and I think the government has taken some guidance from that. They have made that argument, if not explicitly, they have certainly made it implicitly that they're going to give

this proper consideration. But I'm telling you that there is no comparison whatsoever, none. That if the major debates that take place in this House, the big events, are the Throne Speech Debate and the Budget Debate, there are many other opportunities to debate the contents and the ramifications of those documents. The Throne Speech is debated all year in a sense and the Budget is debated every time we're discussing expenditures of money and the control of funding.

So, Mr. Chairman, I'm telling you that this isn't good enough. It's not good enough. It doesn't go far enough. It is the first faltering step on the part of the government to deal with the question of constitutional amendment. Now, if the government wanted to be bold, they could, in fact, consider something, as I have suggested, along the lines of a two-thirds majority. I raised that point as a matter of fact with a former Member of Parliament today; he said that isn't high enough - two-thirds - he said it should be 75 percent because there are places like Alberta where they have huge majorities in government and he said it should be of an extremely high percentage. — (Interjection) — Well, this certainly could happen here. It certainly could. I wouldn't be surprised, Mr. Chairman, given the present state of affairs, if there was a figure of over 80 percent in terms of the next government, in terms of the numbers in the Legislature.

So I don't think it's good enough to say that we're just going to set aside a little period of time. We want something wherein the public can participate and in which the Legislature can show that it has the overwhelming support of not only the Legislature, but the public.

Mr. Chairman, I say that can only be done if the government is willing to consider a two-thirds majority in combination with a public input, either through a referendum or through a general election.

So, Mr. Chairman, they are trying to make something easy and I want to make it difficult. I think that is the difference on the two sides. They want a nice, neat solution. Mr. Chairman, I want a hard, tough, complicated procedure, because constitutional amendments are not brought in every day.

I don't know if we have any experts on American history here, but in the 200 years of American history, there haven't been more than a couple of dozen amendments made to the U.S. Constitution, and one was taken out. We saw recently that - who wouldn't have thought, especially the women in this House, that the Equal Rights Amendment would have been passed? It seemed like a lead-pipe cinch. All they needed was 30 states, or whatever the number was, and they had a couple of dozen states and all they had to do was get a few more. They couldn't get it on equal rights for women. — (Interjection) — Well that is pretty popular these days. Yet, it wasn't an amendment that was carried to the U.S. Constitution at this time, because it's difficult.

Mr. Chairman, it should be uncommon for an amendment to be made to the Manitoba Constitution, to The Manitoba Act. We know all about how, in 1979 and 1980, there was a Supreme Court ruling. We know about the changes that were brought in, and they were good changes. We know about the constitutional amendment that was brought in a year ago that was non-controversial, imperceptible, because members on this side of the House have to be reminded, time and

time and time again, that there was one last year because nobody can remember.

Now we're discussing what could be another major case, another replay of what we have just gone through. That, Mr. Chairman, should be a difficult procedure; it should be an uncommon procedure; and it should be a rare procedure. I am saying again that there should be public input. I mean, to think of a procedure that only consists of a debate in the House for a period of 10 days, on something that concerns the lives of every single Manitoban, to me, is unthinkable.

We're not talking about a rules change here. We are not talking about something about bell ringing or the time of debate. We are talking about life. We're talking about blood and guts. We are talking about people's lives, as citizens in Manitoba today and in the future. We are talking about all the history that has gone before and all the history that will follow. We want people to participate in that process. We want everybody, from students in schools to senior citizens, to be aware and to dialogue with us and to give us the benefit of their thinking.

So I say that that has to be an essential ingredient, and I say that you can't get it in 10 days. You can't, because if the government was to bring in some new change on Monday, by the time that is disseminated throughout the province, on radio and television, through the newspapers and by mailings and government pamphlets - and we know there could be a government pamphlet and there could be government advertisements, especially if they thought they were on to something. It takes time for people to be aware of it.

We know in the last debate that took place, one of the things that finally triggered the public was when closure was brought in. Up until that particular point in time, some people were not concerned, involved or interested, but suddenly they realized that within minutes or hours or overnight, Manitoba was going to be transformed from a multicultural, multilingual society into a bilingual one. People reacted very strongly. They came storming down to this building on a few hours notice, 800 people. Within a few days notice, within two days notice, 2,500 people came to the Convention Centre. I remember that night well, because the government was shaking in its boots. They were worried that the people from the Convention Centre were going to come over here and pack the galleries and stampede the back benches of the government.

So, Mr. Chairman . . .

**A MEMBER:** Why didn't you go for a free vote?

**MR. R. DOERN:** Well, we would have gone for a free vote. Mr. Chairman, the Minister says, why didn't we go for a free vote? We were for a free vote, but the Premier wasn't and the government wasn't. The government said, we'll have a free vote. They kept saying, we're going to have a free vote, and by a free vote, they meant that everybody would back the government position, because no one had indicated in caucus that they were against - that's called a free vote. That's not a free vote.

A free vote is when every member can vote according to their conscience — (Interjection) — that's right. When

the Premier said it's a free vote and a vote of confidence, it was game over, because that meant that every member who voted against the government was endangering the government, No. 1, and their own seat, No. 2 — (Interjection) — well, relevant. Well I have to say to the House Leader, he's worried about relevance. Is the heckling relevant? Are the remarks coming from the other side relevant, because I am responding to that? So maybe you should direct your remarks to the Minister in the second row, and then I will respond.

**MR. DEPUTY CHAIRMAN:** The Member for Lakeside.

**MR. H. ENNS:** Mr. Chairman, let it be clearly put on the record that the official opposition does not believe this entire debate is necessary. We simply don't believe that a case has been made for a fundamental rule change. I believe that my colleagues, the Member for Pembina and others, have indicated that this government is going to have considerable difficulty with the 15-minute rule change that is embodied in this fundamental change.

I suppose, Mr. Chairman, if there is - well I can't even say any satisfaction - but perhaps some acknowledgement that honourable members opposite have at least indicated in the clause that is now under discussion, Section (3), at least the point that we have tried to make, over and over and over again, that constitutional change, as this thing from restoration of rights that were guaranteed by Constitution.

You see, Mr. Chairman, this is where this whole debate got off-track. I agree that there is a legitimate point of difference. As a matter of fact, it is now before the highest court of this land, in the Supreme Court. But there are those in this province, those that had responsibility for government, that believed that restoration of constitutional rights were made in 1980 and there are those that believe otherwise. But, Mr. Chairman, what brought upon this whole debate and the reason why we are now discussing rule changes, is an extension of new constitutional changes.

Mr. Chairman, if we at least succeeded in something, it is getting the government to acknowledge that constitutional changes are a different and more important kind of legislative process that we go through in this House from time to time. Inasmuch as we have two very important set debates in this House - the Throne Speech, the Budget Speech - which have limitations of eight days, we now at least have recognized in this proposed rule change, a 10-day minimum and it is a minimum. It is a 10-day minimum rule change, with respect to recognition, when this Legislature deals with constitutional matters.

Mr. Chairman, it is for that reason that I'm asking the members of the official opposition to support this particular clause, that it is at least an acknowledgement of the importance of constitutional matters, when they arise in this Chamber.

Thank you, Mr. Chairman.

**MR. DEPUTY CHAIRMAN:** 23(1)(a) - the Member for Elmwood.

**MR. R. DOERN:** Mr. Chairman, I thought the Honourable House Leader of the Conservative Party

was raising a point of order. — (Interjection) — No, that's fine.

**MR. H. ENNS:** Mr. Chairman, just lest there be no misunderstanding on the record, I had taken that the Member for Elmwood had concluded, and was indeed sitting down, or else I would not have interrupted his comments.

**MR. R. DOERN:** Mr. Chairman, I would like to hear some comment from someone on the other side about this proposal. I'm not sure this point is as true, but I believe it's true. I believe it has been said many times in debate that an amendment to the New Democratic Constitution is required by two-thirds vote at an annual general meeting. Now I'd like to know whether that is the case because it certainly seems as if it's the case. It certainly is a common procedure in terms of amending the constitution of an organization.

**MR. DEPUTY CHAIRMAN:** A point of order.

**HON. A. ANSTETT:** Yes, Mr. Chairman, I believe we're debating proposed amendment to Rule 23(1), which will provide 10 consecutive sitting days of debate for motions to amend the Constitution of Canada. I don't know how the amending formula of private organizations is relevant to that rule change, and I believe our Rule 62(1) specifically requires debate to be relevant to the matter under consideration. — (Interjection) — Mr. Chairman, when the Member for Sturgeon Creek becomes knowledgeable about the rules I'll listen to him.

**MR. DEPUTY CHAIRMAN:** I believe that there was a point of order and I would remind the Member for Elmwood, once again, to be relevant in his discussions on the matter before the House please.

The Member for Elmwood.

**MR. R. DOERN:** Thank you, Mr. Chairman. I'm not used to looking at your face with a frown on it. I'm used to looking at your smile.

Mr. Chairman, the whole point of this whole page of this whole amendment, is 10 days of debate. I am trying to make the point to the committee that there should be public input and there should be more than a simple majority, because although it's not spelled out, that is the basis of this report, that it should be on the basis, no matter how big this change is, namely allocating specific time, we're still back to the same point that you could entrench something in The Manitoba Act with a simple majority in this Legislature. I don't regard that as an adequate safeguard.

I think when you're talking about entrenchment, you're talking about a very sombre event, something that should proceed slowly, something that should never be made in undue haste, and something that should only be done with great significance and with great support: political, in the Chamber, and outside of this Chamber, across the province. I'm saying that there should be an amendment made to this proposal, calling for a two-thirds vote or a three-quarter vote, or a combination of a vote here and a vote on the outside, either through a general election or through a plebiscite or a referendum.

So I'm saying, Mr. Chairman, that the 10 days is an illusion . . .

## POINT OF ORDER

**HON. A. ANSTETT:** Mr. Chairman, on a point of order. The suggestion just made by the honourable member with regard to an amendment to the proposal before the House is patently out of order. It's a subject of a Private Member's Resolution he has brought before the House, and which Mr. Speaker has taken under advisement. It is entirely inappropriate to comment on it, until the Speaker has ruled whether or not the motion is in order.

**MR. R. DOERN:** I don't believe that it is out of order to make the statement that there should be a variation, in terms of whether or not this is a simple majority or more, or whether or not there should be some public input. I believe it's perfectly in order to make those comments, whether or not there's a specific resolution or not.

So I'll let the House Leader look up his Rule Book, but I'm telling him that, in my judgment, it is perfectly in order to say that.

**MR. DEPUTY CHAIRMAN:** I believe the Government House Leader did have a point of order and I would remind the member, once again, to remain relevant to the discussion and not to be straying, as he has in the past, and stick to the subject that is under discussion right now, which is 23(1).

The Member for Elmwood.

**MR. R. DOERN:** Well, Mr. Chairman, I'm saying that 10 days just doesn't make sense, and neither would 20 days or 30 days. I mean we're not talking about deciding on an average length of time that it would be required for a constitutional amendment. I don't think you can do it on a quantitative basis. I don't think you could set aside a block of time, whether it's days or weeks or months, and say that within that period of time, there should be a debate and at the conclusion of that time, there should be a vote. I think that is a funny way of looking at it. The government tends to have that kind of mentality. They had the mentality on the original agreement on bell ringing, about they were going to allow a couple of weeks and then they figured after that, then everything would fall into place.

Mr. Chairman, I'm just saying, what guarantees do we have, if this passes, unamended, and the 15-minute rule passes, what guarantees do we have that the same constitutional proposals won't come back again, or that other changes in our Constitution won't be reintroduced or introduced into this particular Chamber? There are none. Mr. Chairman, I'm simply saying that somehow or other, the government is trying to create the impression that they are making a concession to the opposition, that they're buying the support of the opposition, by asking the opposition to give up bell ringing, they will give up 10 days of debating time in exchange.

That, Mr. Chairman, is an illusion and it's a misleading argument and I say it's a trap. I'm simply saying that I certainly will vote against this, and I will make that

statement over and over again. I say that if the official opposition at this point in time believes, as the House Leader just said, that it is worthy of the support of the official opposition, then I think they're falling into a trap. I would urge them to take more time to consider it, to take more time to debate it, and to give this more attention, because I think that they will regret supporting this almost immediately and certainly in the near future.

**MR. DEPUTY CHAIRMAN:** It is moved that (b)(1) be deleted and the following substituted therefor; that the Budget shall not be presented until the debate on the motion for an address . . .

23(1)—pass.

(b)(36)(1) - the Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, I would like to ask the Government House Leader a question or two.

Mr. Chairman, this section refers to debate on a government motion, proposing an amendment to take precedence over all other government business for 10 consecutive days.

Mr. Chairman, I'm interested in knowing exactly what debate on a government motion means, particularly in view of the debate that went on here for the past number of months on the government's constitutional amendment. Does debate on a motion to refer the government motion to a committee of the Legislature for public hearings, is that included within debate on a government motion or does debate on a government motion only mean, as I hope it would only mean, debate on the substance of the motion?

**MR. DEPUTY CHAIRMAN, C. Santos:** The Government House Leader.

**HON. A. ANSTETT:** Thank you, Mr. Chairman.

As I interpret, and I questioned the Clerk on this when we were drafting the rule - we can read resolution for motion wherever it appears because we normally describe such an amendment as a resolution not a motion, but it has the same effect and purpose in the rules - it would be any amendments proposed thereto, that is to the resolution to amend.

I believe the referral motion last year was a separate motion to refer the actual amendment to a committee, but was not debate on the motion to amend. It was debate on the referral motion. I would suggest that this rule would not apply to a referral to a committee.

That's how I would interpret the rule. Perhaps that's something on which further consultation is necessary, but I can't see that a referral motion is a motion under Part 5. No, clearly it isn't, because Part 5 specifies in very clear terms the requirements for an amending motion to the Constitution, so it would only apply to a resolution under Part 5. If, after that was introduced, debate for some reason was suspended, and it was determined to refer it for committee study, that referral motion would be subject to all of our normal rules without application of this rule. Yes, clearly.

**MR. G. MERCIER:** Mr. Chairman, I thank the Government House Leader for that remark and if it is possible even to include some additional words that would clarify that meaning, because I think that is

important, Mr. Chairman, it raises another aspect to the rules committee.

As we're all aware, debate on a bill before the Legislature is automatically referred to a committee of the House for public hearing, to give the public an opportunity to make their views known. No such rule exists with respect to a resolution or a constitutional amendment proposed by the government. My concern is alleviated somewhat when the Government House Leader indicates that he believes, and it's his position - I would prefer to have it more clearly stated - when he says that debate on a government motion would not include debate on a motion to refer the resolution to a committee for public hearing. That alleviates my concern somewhat, but I would ask the Government House Leader if he gave any consideration to a requirement in the rules - similar to more of an implication in the rules with respect to bills, but certainly in accordance with the practices of the House, given any consideration to a rule change that would require an amendment to the Constitution to be referred to a committee of the House to give the people of Manitoba an opportunity to have their comments made known?

**HON. A. ANSTETT:** Mr. Chairman, I'm not prepared to comment in detailed response to the suggestion made by the Member for St. Norbert at this time. I think that's something which, at his request, members of his caucus who are on the standing committee of the rules of the House, could raise with the committee and at a subsequent meeting we could discuss the merits of that proposal.

My immediate reaction is to say that conceptually it has merit, because we do the same thing with bills between second and third reading. There is no requirement in our rules for public input. There is a requirement that they go to committee. The public input is an established practice except for bills in Committee of the Whole. I would point out though, that this requirement, if we placed it in the rules, and this is only an initial reaction to the suggestion, would then apply to what the Member for Charleswood called the purely secretarial amendment that we handled last August, that we may or may not want to go through that committee stage process.

So, although I would not want to dismiss or approve the suggestion out of hand, I think it's fair to ask the member, if he feels it has merit, to refer it to one of his members on the standing committee and have it raised at the committee and be prepared to examine it, but no commitment beyond that at this point. I don't think it's an integral part of this rule change, but it might flow from this change to provide for that mechanism in the future.

**MR. G. MERCIER:** Mr. Chairman, I frankly don't think it's necessary that any suggestion for a change in what's before the House, has to be referred to the Rules Committee to discuss it before it can be dealt with here in Committee of the Whole. It is the practice of this House, and it is a good practice of this House, to refer every bill that proceeds through the Legislature to a committee to give the public an opportunity to make their views known. Now, in many of those bills, there is no public representation because they are very



technical bills and the public are not particularly concerned with them, but to leave it in the hands of the government as to whether or not a bill should be referred to a resolution amending the Constitution of Canada, should be referred to a committee for public hearings, I think gives too much power to the government, frankly. I think it should be a requirement of the rules of this House that an amendment to the Constitution goes to a Committee of the House to give the public an opportunity to make their views known. It may be that there will be some very technical amendment to the Constitution in the future in which the public has no interest whatsoever and there will be no public representations made, but I think it would be safer and better in the public interest if the rules provided specifically that any amendment to the Constitution of Canada has to be referred to a committee of the Legislature to hear the views of Manitobans.

**HON. A. ANSTETT:** Mr. Chairman, I've heard the suggestion of the honourable member. I agree with him that theoretically in Committee of the Whole, we could entertain a motion to place such an amendment within our rules. I'm not prepared to move such a motion at this time. I believe the proposal which is before the House, based on the comments of the Member for Lakeside, has a fairly wide base of approval, but I in no way want to exclude the member's suggestion. I see no reason why this stage, at this time, should preclude that suggestion being carried forward. I have said I'm prepared to discuss it, but I'm not prepared to discuss, while we are in the middle of Committee of the Whole, consideration of what is a fairly straightforward proposal, which does not touch on the committee question, to bring in that new item, but I am prepared to discuss that either in Committee of the Whole in the future as a separate item or through the standing committee route, referral to the House and back to Committee of the Whole, either after some discussions brought forward as a government initiative, or brought forward by the Member of St. Norbert. I'm not prepared to sponsor that amendment or to entertain it at this point as part of this procedure, but I do not dismiss the suggestion. I think it has merit and is worth considering.

**MR. DEPUTY CHAIRMAN:** The Member for Fort Garry.

**MR. L. SHERMAN:** Thank you, Mr. Chairman. A couple of questions to the Government House Leader. Can the Government House Leader advise the committee whether the wording of the subsection we're looking at, at the present time, 36.1(1) means that we would be locked into debate of the proposed amendment to the Constitution that we're hypothetically discussing here, locked into debate of that motion for ten straight successive sitting days.

**HON. A. ANSTETT:** Mr. Chairman, in answer to the question, very simply, no. The provision that government business takes precedence means that at any time debate can be adjourned and other business can proceed if members are agreeable to the adjournment. It's just that it is the first item of business and the

Government House Leader has no flexibility with regard to the calling of the orders of business, but if members choose not to debate it on the eighth day, or if debate is concluded the vote can take place, or if debate is adjourned, we can go on to other business, but the very next day it again takes precedence over all other business.

The past practice has been during the Throne Speech and Budget, that in effect, that's all we've debated, but even the provision under our rules for those two debates does not preclude a member adjourning debate and going on to other business as members know occurs in the Throne Speech when the Opposition House Leader adjourns after the mover and seconder. Technically, we could continue on with other business that day except usually we don't have any. The same on the Budget, when the adjournment is taken by a member on this side, after the Opposition House Leader's speech on the Budget, we could continue debate, but as a courtesy we normally adjourn following those major addresses. So it's been a practice, but certainly the rule would be applied the same way.

**MR. DEPUTY CHAIRMAN:** 23(1)(b).

**MR. R. DOERN:** Can the House Leader shed any light on how the figure of 10 days was arrived at, what the logic was, or why a larger figure wasn't selected? What was the basis of this decision?

**MR. DEPUTY CHAIRMAN:** The House Leader.

**HON. A. ANSTETT:** Mr. Chairman, very simply put, this was the original suggestion during discussion in the Rules Committee that we consider to address some of the concerns raised by members of the official opposition, something similar in length to the Throne Speech or the Budget or perhaps a full two weeks, which would be 10 sitting days. That was the concept. After some discussion the last couple of weeks, that concept was found to commend itself to some members on both sides and we proceeded to develop the details.

**MR. R. DOERN:** The other question I'd like to ask the House Leader is: what is the procedure for constitutional amendments in other provinces in Canada?

**HON. A. ANSTETT:** Mr. Chairman, I am hesitant to answer the question because it begins to move into an area which is not strictly relevant in comparison to other provinces, but I can advise the member that to my knowledge none of the nine other provinces have any special provisions. This will be a national first in terms of providing a specific rule under the new Constitution Act, 1982. It's not an amendment, of course, to that Act, it's just an amendment to our rules to provide a guarantee of debate, but I don't believe any other Legislatures have faced the need to address this question.

**MR. R. DOERN:** Mr. Chairman, it seems to me that before we take this fatal step, or the government takes this fatal step, that there should be a full report on the procedures in effect in other provinces. I don't see any



great certainty in the House Leader saying to us that, as far as he knows, there are no other special procedures in other provinces. But it would seem to me that we should have a report. It could very well be the case that in one or more provinces there are special provisions and procedures for amending the Constitution.

Mr. Chairman, while I'm on my feet, I want to support what was said by the Member for St. Norbert about the need to include provisions in any formula that the government puts forward for public hearings. I mean it would be strange indeed, we went through that effort not too long ago, an argument and a discussion about whether there should be public information meetings or whether there should be public hearings. Finally, it was made clear that the government didn't intend to have public hearings and then finally, under some pressure, a decision was taken to have public hearings. In fact, we had two sets of them. We had the first hearings in the fall, which resulted in 300 submissions made to the committee, followed by 100 written briefs, so you had 400 submissions in total from individuals, from organizations and in some instances from out-of-province individuals and organizations who came to Manitoba to discuss the matter. Unfortunately, the government didn't pay very much attention to the hearings and they were dismissed out of hand in a one-and-a-quarter page report.

So that's my concern, that the public have a mechanism for interacting and interfacing with the Legislature. We know only too well when it comes to this particular area that the government doesn't want public input or public consultation. We saw the same thing happen in regard to the plebiscite, which was direct public involvement and comment on the government legislation, and no sooner had the plebiscites been taken throughout the length and breadth of this province when the Attorney-General rose the next morning at 9:30 and said he didn't really care what happened, the government was proceeding. So that's not good enough. We don't want a debate in the Chamber and unfamiliarity and ignorance of the proceedings of the Chamber throughout the province. We want full familiarization and full participation in terms of the people of this province.

So, Mr. Chairman, I would simply ask again of the House Leader what assurances he will give to the House to include an amendment that will provide for public hearings or for committee hearings, Legislative Committee hearings, in regard to a constitutional amendment?

**HON. A. ANSTETT:** Thank you, Mr. Chairman. I believe I answered the question for the Honourable Member for St. Norbert. I am not at this time prepared to give that assurance. I am prepared to discuss the merits of that proposal in discussion in the standing committee or, if the member wishes, by separate motion to bring it forward to the Committee of the Whole. I'm willing to entertain that discussion directly there so it doesn't have to go through the Standing Committee route, but I suggest that be by separate motion for Committee of the Whole so the substance can be debated in the whole House and then referred to committee as a separate item. I think it would benefit from discussion

as to the merits through the Standing Committee on the Rules of the House so both Caucuses have an opportunity to consider what is a new proposal different from what we've dealt with so far.

With regard then to, Mr. Chairman, the specific question asked by the member. Perhaps my assurance wasn't broad enough. I've consulted with the table and am advised that based upon the most recent research there are no provisions in other jurisdictions of the type being proposed either by the Member for St. Norbert, or of the type before the committee today.

**MR. R. DOERN:** Mr. Chairman, then I would ask the House Leader whether in the last 10 years there have been any constitutional amendments that have been made by any of the provinces in regard to their own state of affairs?

**HON. A. ANSTETT:** Mr. Chairman, as I recall the question it was - are there any constitutional amendments made passed through Legislatures of other provinces respecting only the Legislature of that province therefore requiring only the consent of that province and the Federal Parliament? If that was the question I would refer the honourable member to any text book on Canadian Government. He will find that there have been a large number of such amendments affecting both the nation as a whole, and the rights of individual provinces, in the last 115 years. I don't propose at this time, Sir, because I'm not sure it's strictly relevant to go into the details of any or all of those. I'm not sure I could list them all. I would suggest there are at least several dozen.

**MR. R. DOERN:** Mr. Chairman, I hope to have an opportunity to look at some of those. But I would venture to say that those proposals were not as significant, or those proposals did not have the same social significance as the proposal that was being discussed in the Province of Manitoba nor . . .

**MR. DEPUTY CHAIRMAN:** The hour being 10:00 p.m. I am leaving the Chair to return at the call of the Speaker.

**HON. A. ANSTETT:** Mr. Chairman, on a point of order. I believe there may be an inclination to complete this matter. If there is I would ask for leave of honourable members to continue for a short period of time to try to complete consideration in Committee of the Whole.

**MR. DEPUTY CHAIRMAN:** Is leave being granted?

**MR. R. DOERN:** No.

**MR. DEPUTY CHAIRMAN:** Call in the Speaker.

### IN SESSION

**MR. DEPUTY SPEAKER, P. EYLER:** The Honourable Member for Burrows.

The Chairman reported upon the Committee's deliberations to Mr. Speaker and requested leave to sit again.

**MR. DEPUTY SPEAKER:** The Honourable Member for Burrows.

**MR. C. SANTOS:** I move, seconded by the Member for St. Johns, that the report of the Committee be received.

**MOTION presented and carried.**

**MR. DEPUTY SPEAKER:** The Honourable Government House Leader.

**HON. A. ANSTETT:** I move, seconded by the Honourable Member for Lakeside, that the House do now adjourn.

**MOTION presented and carried** and the House adjourned and stands adjourned until 2:00 p.m. tomorrow (Wednesday).