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Third Session — Thirty-Second Legislature

of the

Legislative Assembly of Manitoba

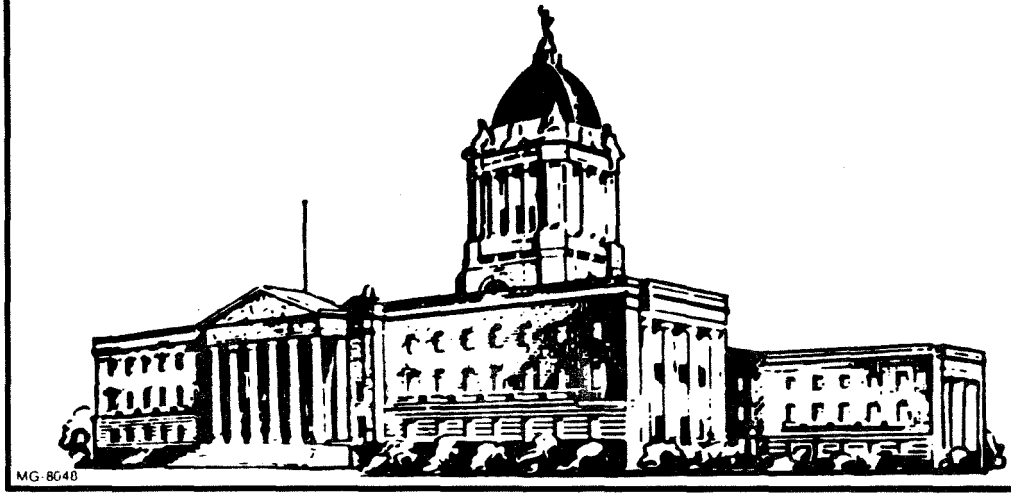
STANDING COMMITTEE

on

RULES OF THE HOUSE

33 Elizabeth II

Chairman
Hon. J. Walding
Constituency of St. Vital



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON RULES OF THE HOUSE
Monday, 30 April, 1984

TIME — 10:00 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Hon. J. Walding (St. Vital)

ATTENDANCE — QUORUM - 5

Members of the Committee present:

Hon. Messrs. Anstett, Penner and Walding

Messrs Enns, Fox, Santos, Scott and Sherman

MATTERS UNDER DISCUSSION:

Time Limits on Division Bells.

* * * *

MR. CHAIRMAN: We have a quorum, gentlemen, the committee will come to order.

I believe the agenda has been circulated, which is the same one as previously. Does everyone have a copy? Is it agreed to? (Agreed).

Item No. 2, a matter that we dealt with partially last time and there was, if you recall, a motion on the floor.

Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman, there have been some discussions with regard to that motion and, Sir, as you will recall you expressed a concern about interpretation of the word "reasonable." For that reason, with the agreement of members, a couple of minor changes have been drafted in consultation with the Clerk, which would result in a slightly different wording. I'm prepared to suggest, Sir, with leave, that we . . .

MR. H. ENNS: Mr. Chairman, just on a point of order.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: It may be somewhat easier if, as you indicated, Mr. Chairman, that we have a motion before us, if that motion which dealt with the proposal that faced the committee the last time we met, if the House Leader is now making changes to that motion, would it not be more convenient to withdraw that motion that's currently before the committee and allow the Government House Leader to introduce what I've now just learned is a changed motion, changed proposal?

MR. CHAIRMAN: If we are all patient, we will hear what Mr. Anstett proposes.

HON. A. ANSTETT: Mr. Chairman, what I was going to propose is that as an amendment to the motion - I have it drafted as an amendment - it would read as follows:

"That the proposed Sub-rules 10.(3) and 10.(4) as distributed at the April 17th meeting be amended by inserting on line 1 of Sub-rule 10.(3) preceding "fifteen minutes", the words "Not more than", so the Sub-rule as amended would read, in the first line "Not more than fifteen minutes after," etc. That we had done at the last meeting.

Perhaps I'll distribute copies after I've done this.

In No. 2, deleting the word "may" in line 1 of Sub-rule 10.(4) and inserting "may" in line 3, immediately preceding the words "direct that," and deleting all words after "fifteen minutes" in line 4, and substituting therefor the following "to a specific time set by him for the exclusive purpose of permitting absent members who may do so within a reasonable length of time to travel to the Legislative Building to attend the service of the House."

Amendment 3, the proposed Sub-rule 10.(3) and 10.(4), as distributed at the April 17th meeting are amended by adding thereto new Sub-rule 10.(5) "Where, pursuant to Sub-rule (4), the Speaker has directed that the division bells continue to ring beyond fifteen minutes, no such extension shall exceed twenty-four hours."

Mr. Chairman, I have for the benefit of members, a description of what the rule would like with those amendments.

MR. CHAIRMAN: Do you have a copy of the amendments?

HON. A. ANSTETT: Yes. Those are corrected as I read them, and I have, Mr. Chairman, copies of the motion as it would read with the amendment. For me, it's six of one and half-a-dozen if the changes are done by way of amendment and incorporated into the motion, or if the original motion, as Mr. Enns suggests, is withdrawn and the new wording is put on the floor. It makes no difference to me.

MR. CHAIRMAN: What is your will and pleasure? Since you moved the original motion, you presumably cannot amend this. One of your colleagues will do so, or you may withdraw the original motion. It seems like . . .

HON. A. ANSTETT: If there is leave to withdraw, I'll move the substitute amendment following agreement to withdraw then, if that's the simplest way.

MR. CHAIRMAN: Is it agreed the motion of last time be withdrawn? (Agreed) If it is, can we take the motion as amended being proposed?

HON. A. ANSTETT: I'll move the motion as amended.

Mr. Chairman, if I can speak briefly to the . . .

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, several concerns were expressed in the first note, although it had already

been incorporated by leave last week, is the phrase, "not more than," at the beginning of the motion so that 15 minutes was the maximum but certainly not the minimum.

As well, there was some concern, Mr. Chairman, about how to define the whole question of reasonable length of time, and whether or not it should be from within the province or within the country. As members can see from the draft, there was some thought given to limiting it to travel from within the province, but then it was felt that if we limited extensions to 24 hours, then it really wouldn't matter. It would be a discussion between the Whips and the Speaker, and extensions up to a full 24 hours could be granted.

The other changes, Mr. Chairman, the moving of the word "may" from after the word "Speaker" in the first line to before the word "direct" in the third line is a grammatical change. The use of the word "specific" rather than "a stated" time is to make the rule a little more definitive - specific is a better word - but other than that, the motion is essentially the same.

So, Mr. Chairman, what I am proposing then, other than grammatical changes in 10.(3) and 10.(4) is a qualification on the word "reasonable" to allow extensions of up to 24 hours, so that Mr. Speaker, in consultation with the Whips, would have some guidelines as to how long an extension is possible.

The other point I should make, Mr. Chairman, is last week I distributed a brief outline of possible changes with regard to the taking of confidence votes that the Clerk had outlined as a possible way of addressing defeat of government motions, which were considered matters of confidence.

Mr. Chairman, we've reviewed the precedents and feel that there's adequate precedents for placing motions of confidence before the House if there's defeat on a government motion and there's no requirement for a rule in that regard, so we will not be moving an amendment to the Rules with regard to the taking of confidence motions, but rather feel the whole matter can be addressed with these three additions to Rule No. 10.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman.

Mr. Chairman, I don't know whether it's in order to ask questions of the Chair or not, so that would be my first question, I guess, if procedural, Sir; secondly, if it is in order or if a temporary juxtaposition of chairmanship and membership can be arranged so that the question can be asked, I wanted to ask you whether the proposal addressed the concerns that you had raised with the committee at the close of the last day's meeting.

Essentially the objection to or the questions surrounding the responsibility on the Speaker placed by the proposed amendment from the government were raised by you, Sir. I think they were legitimate and reasonable and it was agreed that it was a point that would have to be looked at very thoroughly.

I suppose the first question that we would wish addressed on our side is that one, whether it seems to satisfy the anxiety of the Speaker's office. Now how that question can be put from me or anyone on this committee to you in the Chair, Sir, I'm not sure. I'll have to leave it to you and the Clerk to decide.

MR. CHAIRMAN: If no one on the committee objects, I will try to point out to those members that it certainly puts a time limit on what is reasonable and although that word is still within the Rules, which is perhaps unfortunate, it does indicate that if the time limit must go beyond 15 minutes that it will not go beyond 24 hours from there. It's something which we'll probably be able to work and is certainly better than a two-week limit or no limit at all.

Does that answer the question?

MR. L. SHERMAN: Yes, Mr. Chairman. Thank you for that evaluation.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Mr. Chairman, I just want to direct a concern to the Government House Leader and the members of the government that I believe it is generally understood, and I take it that the motivation to bring about rule changes come about to address the one central problem that the government perceives it has with respect to unlimited bell ringing.

What unfortunately is being done as well is to introduce another substantive rule change; namely, dealing with when a vote is taken, the government is defeated on a vote, and the government deems it to be a matter of confidence that a provision be provided in our rules that would allow for deferment of that vote — (Interjection) — well, pardon me.

That was still not my - I was not given to understand that was the case. I was wanting to make the case that certainly from our point of view, those are two decidedly different questions. I was asking the government whether or not, as was indicated at the last Rules meeting, they were still moving them forward in tandem. If that's not the case, then I am thankful for asking the question for clarification.

MR. CHAIRMAN: Mr. Anstett, would you clarify?

HON. A. ANSTETT: Yes, I thought I made it clear. Perhaps I hadn't at the closing of my remarks that although we had distributed a draft for discussion of changes to - I've forgotten the number - Section 62, we do not propose to move ahead with a rule for the taking of confidence motions on the grounds of that. If the government is defeated on a matter of confidence, there is adequate precedence and practice in other Canadian jurisdictions for the placing before the House of a motion affirming confidence, if the government wants to do so.

Clearly there may be occasions. I guess no members on this committee will remember the Roblin Government's defeat on a matter of confidence in '58 - at least they weren't members of the House at that time, although some may remember it. There may be occasions when the government wants to be defeated, but certainly the precedents are there and there is no question the government has that right.

So, I draw members' attention to the experiences both in Ottawa and Westminster over the last 20 years

where, although it hasn't been a regular occurrence, here has not been a requirement for a dissolution where he House is prepared to affirm confidence in the government after defeat on either a money bill, a inancial provision, or any other matter of confidence.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Well, Mr. Chairman, the official opposition still needs to be convinced of the necessity of the rule change dealing with bell ringing.

We believe, very strongly, as we've stated at previous meetings of the committee, that we perhaps would have been more inclined to acknowledge some changes with respect to limitation on bell ringing if there were some consideration or some acknowledgment on the part of he government that constitutional changes ought to be dealt with differently than everyday in ordinary business of the House. I think it becomes academic as to whether it's X number of hours.

The fact of the matter is the government is proposing o use its majority in this committee to bring about a substandard rule change, which I recognize they have he authority to do and the political numbers to do. Certainly in recent years, Mr. Chairman, as you're well aware, rule changes of this kind have not proceeded without consensus.

I think we all recognize that in dealing with Rules of he House, there needs to be, there must be, every effort made to arrive at a consensus. The matters that divide us are all too apparent and necessarily so, after all that's what our system calls for. However, in the matter and the way in which we conduct our debates and allow for resolution of these problems to arise from time to time, which is encompassed in what we call our Rules and Regulations of the House, there ought to be, in our judgment continues to be a need for not proceeding with rule changes unless there is an agreement on both sides of the House to do so.

Mr. Chairman, I must inform you that having thought through the matter further with the members of our caucus, having thought through and discussed some additional proposals that were made available to us for consideration as a possible compromise, by your office, Sir, we nonetheless find ourselves in a position very much that we were in when last this commmittee met, that we cannot support the rule changes being suggested by the Government House Leader.

I would refer to my colleague for any further remarks.

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Just two brief comments, Mr. Chairman.

I appreciate that there is a difference of opinion in the committee. I just want the record to be clear so that there is no disagreement on the understanding of the government's purpose.

Clearly Mr. Enns, and I'm sure many members of the public, view the need for a change with respect to limits on division bells as relating purely to the experience of the last Session. I think it was made clear at our two earlier meetings that part of the concern relates to future use and not just with the kinds of matters that were dealt with at the last Session, but clearly the concern that an instrument used to obstruct can be used on all kinds of other matters of general business before the government. I cite the experience in Ottawa over the last two years and as members opposite did before we convened this morning, certainly bring into reference the experiences in Saskatchewan in the last week. So, I think it's clear that the purpose of providing for a limit on bells relates to future legislative action and not to action from the past. Hopefully we learned from that experience.

The other question relates to the use of the government majority to make changes rather then make changes by consensus and clearly it's the government's view, as stated at the last meeting, that it would be preferable to do so by consensus. Unfortunately, that's not possible on this particular issue, but I think it is worth noting that the Opposition House Leader and myself had discussions flowing from private meetings last week involving both you, Mr. Chairman, and the Opposition House Leader and that we were unable to come to a consensus on a possible compromise on the rules change. I regret that that was not possible, but I think it should be acknowledged that an attempt was made and that those discussions did not come to fruition, but that that was occasioned more by the fact that there is not much room for consensus when the question before us is a question of the Legislature's ability to make decisions and there are two different views on how that should be done.

Mr. Chairman, in that sense, although I sincerely regret it, I think that the committee has to make a recommendation to the House and the House ultimately has to decide a question that is of this fundamental importance even if, fairly detailed and lengthy discussions and fairly meaningful proposals were unable to resolve the impasse and bring about a consensus.

I think it should be known that that attempt has been made and I thank both you and the Opposition House Leader for engaging in those discussions. I think the rule that's proposed goes some distance to addressing the technical concerns about its operation, but does not deflect our real concern, and that is, that the House has to be able to make decisions and that obstruction purely for the sake of obstruction by ringing the bells is not conducive to our democratic system.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: The committee, Sir, knows my feelings on this subject fully, I'm sure, and does not want to endure any more repetition than they would generously concede a member has the right to offer at times like this, and so, I will try not to be repetitious.

I just do want to say for the record though, Sir, that I have extreme difficulty with this and I'm very disappointed that in the time that all of us around this table, and the rest of our colleagues have spent in this Legislature, that we are pushed to this point by a government that feels - I must say it, Sir - stampeded into this kind of defensive action for itself. There has never been in my experience, and I would submit yours and I think that of everybody around this table, a situation or an episode similar to the one that occurred in the last year in this Legislature, and hopefully there won't be again for a long long time.

I think that the action being proposed here is a panic reaction to a situation which developed as a result of a convulsive, emotionally, deeply-felt debate on a very unique issue. I've said before and I say again that if you're talking about legislation and normal legislative procedures, then our caucus can certainly live with some limitations. I do think that in all those attempts to justify the action that he's proposing, notwithstanding the sincere efforts that he's put into it, that the Government House Leader continues, Sir, to gloss over the fact that what we were dealing with here was a proposed constitutional amendment and nobody around this table, not in your experience in this House, not in the Attorney-General's experience vis-a-vis the House, which is considerable, regardless of his length of time as an elected member, certainly his experience with this sort of thing exceeds that of most of us, but not in the experience of any of us have we been faced with a proposed constitutional amendment.

The central point must be that and I think that the Government House Leader has continually glossed over that fact. He talks about obstruction for the sake of obstruction and does not address the principle on the other side of the equation, defence for the sake of defence, and I think that argument is equally applicable.

So, I conclude my remarks, Sir, by saying that I feel it's a sad day for the Legislature of Manitoba, which has functioned well in difficult circumstances for 100 years, now to be forced by one unique situation, to be panicked and forced into a type of action which, I think, is a restraint on democratic freedom.

Finally, Sir, let me say that it's my understanding that you proposed a compromise that would separate out the constitutional resolution question from conventional legislative questions where procedures of this kind are concerned. I must say that I thought that at least part of that proposal was extremely incisive, certainly desirable and certainly acceptable; that was the part having to do with the prohibition against motions of closure on constitutional resolutions. I think that's a very valuable consideration and it reflects the position that my House Leader and our members of this committee have taken all along that we could live with some limitations on procedures applied where conventional legislation is concerned, but we think that the Constitution and the people's rights to be consulted and involved in constitutional change is sacrosanct and, therefore, there should be no such constraints placed against debate on proposed constitutional resolutions as this proposal implies and applies.

Though I am rather sorry that your proposed compromise, Sir, which contains that prohibition against closure motions on constitutional resolutions seems to have been given short shrift by the government seems to have been ignored by the government. I wonder whether one last appeal might draw some response from them, one last appeal to consider the extremely important democratic principle involved here.

That sums up my feelings on the subject, Mr. Speaker. I'm sorry, the Government House Leader asked me something.

HON. A. ANSTETT: Are you willing to consider it?

MR. L. SHERMAN: I'm certainly willing to consider an amendment to the rules that contains, as I've said, a limitation on preventive procedures, such as bell ringing, where conventional legislation is concerned. We've said from the outset we think that proposed constitutional amendments should be given the freedom of an unfettered opportunity and environment for public and legislative debate.

I don't think we've ever left any doubts in the Government House Leader's mind on that question, Sir, I'm rather surprised at his question. I'm sorry that your proposed compromise has been evidently discarded by the government as quickly as appears to be the case.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman, I did not want to leave on the record the suggestion that I viewed bell ringing as obstruction for obstruction's sake; I viewed it as a form of obstruction I said which was not the purpose for which it was intended. I don't believe I said obstruction for obstruction's sake, because I don't believe that's the case. I believe it was clearly used for obstruction though.

Secondly, my understanding, in private discussions with the Opposition House Leader, was that the proposed compromise was unacceptable, and I indicated that it was unacceptable to us as well. My discussions with my caucus were predicated on the assumption that it was not going anywhere. Now, if members opposite are indicating that the complete compromise is acceptable, I would like to hear that, but if instead they are suggesting only that one-half is acceptable, well that's only one-half and that's not acceptable to members on this side.

Certainly what is an essential component is that a limit be placed on bells on all motions before the Assembly. I understood members opposite to have a problem with that. If members opposite are now saying, through the Member for Fort Garry, that a limit on bells on all motions is acceptable to them, as was proposed in the compromise which Mr. Enns and I discussed privately last week, then I would like to hear them say that. But certainly our discussions, both within caucus and with the Opposition House Leader, led us to believe the compromise was unacceptable.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Briefly, Mr. Chairman, so there's no misunderstanding, I am talking about the part of the compromise which prohibits motions of closure where proposed constitutional resolutions are concerned, so I hope there is no misunderstanding on that point.

There are other aspects of the compromise which gave a right to the government, which it didn't give to the opposition, with respect to determining matter of confidence that our caucus could not accept. That's correct, Sir. But what I said, and I thought I made it clear, was that the part of your compromise dealing with constitutional resolutions seemed to me to be something worth exploring and came very close to the point that we had made repeatedly.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: It's regrettable that the government sees it only in the light that it is either all their way or no way. When my colleague referred to a compromise position that was being offered by the Speaker as a discussion forum, it should be placed on the record that the other half which we find not so acceptable is that when the government wishes to write into the rules the right for the government to have unlimited time bell-ringing privileges and not the opposition, that clearly would not be accepted by members of any opposition. That is part of the compromise proposals that were being discussed as you referred to last week, Mr. Government House Leader.

The fact that we saw merit in part of the proposals and part of the suggested compromise, which dealt with a concern that we have and have consistently had with respect to constitutional changes, and that was what my colleague, the Member for Fort Garry, was drawing attention to. Certainly, and let there be no misunderstanding, the suggested compromise positions are not acceptable in total to the opposition, and that was the information that I passed on to the Government House Leader and upon which I assume he's acting.

That does not take away our continued desire, as expressed again this morning, to attempt to convince members opposite of the need and of the importance to provide within our Rules some special recognition for constitutional matters.

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Just one brief addendum to Mr. Enns' comments, Mr. Chairman, the government did not propose and would not agree to a one-sided limit on bell-ringing which allowed the government and solely the government that discretion. That was a concern on our side as well about the compromise proposal. But we did not have an opportunity to discuss the merits or perhaps hammer out of that a different compromise proposal, because the principles of the compromise were unacceptable to both sides in important points.

So I think that should be on the record, that the proposal was welcomed and that it was seriously examined by both sides, and although both sides found merit in particular provisions, in sum total the principles espoused were not agreeable.

If that's fair comment, then it is understood then that the government felt compelled to proceed with the rules change moved on April 17th as amended this morning.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Mr. Chairman, with the caution that I should know even in addressing myself just briefly to one aspect of the proposed rule changes, it should not be in any way misread as being supportive of same, but I wish to make a point again that was made previously, that the amendment currently before us, Section 10.(4) "Notwithstanding sub-rule (3) the Speaker, after consultation with the Government Whip and the Official Opposition Whip, may direct that the division bells continue to ring beyond fifteen minutes to a specific time set by him . . . "It would be my suggestion that's where that paragraph should end.

There are occasions, and it has been the practice of this House, for reasonable extension of time for bell limits, particularly when you are considering rather severe limitations such as are being proposed, that of 15 minutes, where a legitimate extension of time other than for the express purpose of bringing members back to the Chamber may be convenient both for government caucus and for opposition caucus. There are all too many occasions where important changes, amendments are introduced to bills once they've been passed through second reading stage or even committee stage. Sometimes that happens at third reading where, at the last moment if you like, attention to the government is brought that a fairly fundamental change is required and a bill is amended, and then for the purpose of simply understanding the proposed changes, for the opportunity for a brief caucus to be held which may exceed the 15 minutes.

I appreciate that once a 15-minute rule is in, 15 minutes will be rigidly adhered to, and there will be no such thing as reasonable interpretations of that 15-minute rule expected of the Speaker. So while the current motion before us empowers the Speaker solely to extend the 15-minute period of time to allow for members to return back, I am simply suggesting that the same can be achieved by removing that portion, that exclusivity of reasons for extension. I'm suggesting that practice in the past has shown that there are, on occasions, other reasons for reasonable extensions of time.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: Briefly, in the conduct of legislative business as in tennis, anticipation is everything. Things don't happen by surprise. The course of the debate indicates what the substantive issues are and if more time is needed before a vote to consider things that may have arisen in the course of the debate, let's say on second reading, then speakers may speak until adjournment time, and time is found to caucus and consider.

Once a bill has passed second reading, it still must go to committee, leaving all kinds of time to consider the points that have risen during the course of debate, which may be offered by a form of amendment at committee - even after committee, report stage, third reading - so that the only things which may be said, in a sense, to possibly catch people by surprise are nondebatable procedural matters that really don't raise questions or require caucussing.

MR. CHAIRMAN: Are you ready for the question? Mr. Sherman.

MR. L. SHERMAN: It might be worth observing at this juncture, Mr. Chairman, that we are probably headed for an unwelcome vote on this subject at the present time, because to refer to the Attorney-General's illustration, here is an instance where there is no opportunity to keep speaking, and certainly we don't intend to ring the bells over this issue, Sir.

HON. R. PENNER: I think on a technical matter drawn to my attention by the Clerk in 10.(4) - I'm sure this can be done by agreement - in the fifth line where it says, "specific time set by him," in conformity with the

way in which our rules are drafted should be "set by the Speaker."

If that's agreeable - just as a technical change without the necessity of a formal amendment — (Interjection) — Yes.

MR. CHAIRMAN: Does anyone have any difficulty with that wording change?

MR. H. ENNS: I have difficult with the whole section.

HON. R. PENNER: We understand that.

MR. CHAIRMAN: Are you ready for the question? The question before the committee is the proposed motion to amend Section 10, consisting of the typed paper in front of you. Do you require it read?

MR. L. SHERMAN: No, it's too painful, Mr. Chairman.

MR. CHAIRMAN: Is it the pleasure of the committee to adopt the motion?

Those in favour please say aye. Those opposed please say nay. In my opinion the ayes have it. I declare the amendment carried.

Mr. Enns.

MR. H. ENNS: I wish to move a further amendment to Section 10 of our rules which would read that an additional subsection (6) be added, notwithstanding sub-rule 3, there shall be no limitation on the length of time division bells shall ring on a resolution to amend the Constitution. It is moved by my colleague the Honourable Member for Fort Garry.

MR. L. SHERMAN: Actually, Sir, it was moved by our House Leader and seconded by the Honourable Member for Fort Garry.

MR. CHAIRMAN: The amendment as read . . .

Mr. Enns.

MR. H. ENNS: Mr. Chairman, if I can just speak briefly to that further amendment. The Government House Leader has made it abundantly clear that an amendment of this kind can of course be struck down or removed at any time in the future by the simple procedure that we just witnessed this morning of a government using its numbers to bring about a rules change. However, I appeal to honourable members opposite, knowing that they have that authority to consider the inclusion of that amendment, which again highlights the importance that not only we in opposition, but I believe most Manitobans, would want us to place on the very important question of constitutional change and how they are dealt with in the Manitoba Legislature.

The amendment is a simple acknowledgment of that fact. It can, as the Government House Leader pointed out, be struck down in the future. We see value in having in placed on our rules at this time. It would at least alert the general public on the part that the future government is prepared to or would have to wilfully strike down that amendment when considering constitutional changes.

If it's the government's understanding that this is not likely to be the case in the near future, I see no reason for them to object to the inclusion of that amendment. The government has used its majority to bring about a fairly draconian limitations of time with respect to bell ringing from unlimited time to 15 minutes of time to a further limitation of 24 hours of time - all substantive changes to our rules.

We have persistently and consistently asked the government to acknowledge what I know to be a deep and continuing concern on the part of the opposition and on the part of many people in Manitoba that constitutional matters should be dealt with somewhat differently. Therefore, the addition to our Rule 10 to simply indicate that the motion that has just been passed, which places those time limitations on bell ringing activity in this House be further amended to exclude matters of constitutional change.

I can't think of anything more that I can say other then to appeal to some sensitivity on the part of members opposite that many many Manitobans will regard your unilateral action this morning in limitation of bell ringing with no sensitivity to the question of constitutional matters as being high handed, arrogant, and a simple use of your majority in numbers.

The government has no immediate plans to introduce constitutional changes in the next little while or during the life of their forseeable future. Why would they object to an inclusion of that kind of an amendment?

A MEMBER: Forty years is a long time, Harry.

MR. H. ENNS: Well, if the government has not learned anything from its previous action then, as the House Leader has pointed out to this committee, they can change this rule.

The amendment that I am asking for to be included can be dropped next week at a rules meeting, but nonetheless I move it because it's important to us, it's important to Manitobans, and I must say, and I say this as sincerely as I can, it will make the otherwise draconian rule changes perhaps somewhat more acceptable to my colleagues and enable for a somewhat better relationship to exist in the House.

I've made it as clear as I can that the opposition opposes the rule changes being hoisted upon us by the majority members of the government on this Rules Committee. It's a change of the manner and way which rules have been changed for at least the last several decades. Rules have been changed only after a consensus has arrived for the last number of years. I ask you to consider adopting the amendment that I propose to, you know, make it a little more possible to have the opposition live with the rule changes that will be going forward for concurrence to the House.

I remind members, of course, that the motion that was just passed now has to go to the House for debate and it will be debated vigorously. Of that I can assure you. Members of my Caucus are not going to accept 15-minute time allocation on bell ringing. The members are not going to accept with grace the further limitation of 24 hours.

I am instructed by my caucus that it will be made somewhat easier if some recognition of the importance of constitutional matters be included in any rule change. Therefore, the simple amendment that I've put forward, titled Subsection 6, which says that notwithstanding

the 15-minute limitation, notwithstanding the 24 hour limitation, there shall be no limitation on bell ringing with respect to constitutional changes.

MR. CHAIRMAN: Mr. Fox.

MR. P. FOX: Thank you, Mr. Speaker.

I'll try and be brief. I cannot agree with the proposed amendment for the simple reason that I don't think it's draconian at all. I look at the information that we have before us, and I note that almost every other jurisdiction, except for maybe two or three provinces, has a time limitation of at least 15 minutes or less. I think one has 20 minutes.

The other thing that one has to question is why there should be any difference in decision-making about one issue or another. I think there are ample opportunities for debating and for other procedural matters of discussing and delaying and other tactical weapons in the Legislature that a procedural matter that happens to be on a resolution can be discussed and thoroughly aired as well as any other.

The real issue, and the nub of the case, is decision-making so that Parliament can function and that is what has to happen. If we cannot make decisions, then there's a stalemate and there's a total waste of time. I am indicating that decision-making is the real issue of this question.

The House Leader of the Opposition has indicated publicly that he would not have had the bells ring. I still ask him, I request of him, to tell us what his secret solution is because . . .

A MEMBER: I simply would have asked Sid Green how he did it.

MR. P. FOX: Well, I don't care, Sid Green didn't make any issue with the Speaker, maybe he fooled somebody in the opposition ranks. Now, if that's the case . . .

HON. R. PENNER: I'm surprised that's not possible.

MR. P. FOX: That's true, because then the Conservatives are admitting that they were fooled or they were . . .

HON. R. PENNER: Terrorized.

MR. P. FOX: . . . terrorized, or whatever. I don't know what the decision is, but the simple solution still is for the House Leader of the Opposition to tell us if he has some secret formula for getting around to making decisions and not having the bells ring. If he hasn't, then he has to agree that this is the one form of decision-making that has to be adhered to, and it should make no difference whether it's a constitutional question or not.

As I indicated, every other jurisdiction has a time limit and most of them have less time than we are allowing, so I think it's totally presentable and I think it's practical and we should agree to it.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: Thank you, Mr. Chairman.

We've had the use of lots of adjectives here today in describing both the rule that has just been passed by the committee and recommended to the House, and the latest proposal by the opposition, which would basically refute much of the rule we have just approved.

To me, to set up an open bell limit on issues that are of a constitutional nature is unconstitutional. It shows the provincialist and the provincial supremist attitude, which is prevelant among many Conservatives across this country, that the country is not a country in itself, but rather a country simply of provinces which are feifdoms onto themselves. It goes beyond that by now declaring that these little fiefdoms are in effect fiefdoms of the opposition as well. It seems totally unacceptable to me in a parliamentary process that an opposition, in one province of this country, could in any future constitutional change frustrate and destroy that potential for constitutional change because it disagreed. That is a sort of measure that they are proposing that we here in Manitoba give an opposition, not just the opposition which is here presently, but future oppositions as well.

Mr. Sherman referred earlier in the debate in the previous issue about being a sad day. Well, it would certainly be a sad day for Manitoba if we tried to give this kind of totalitarian power to an opposition here in Manitoba, or if any other province try to do similarly, because it could be set up as an example for other provinces which would virtually totally frustrate the government of the country, which Mr. Sherman wishes in the future to once again serve at the national level.

The sad days to me were those some - I believe it was - 32 days in total last year when the bells rang for over an hour, most of the times for several hours, and the 11 days in which they rang incessantly. I can refer, if I could, to the House of Commons debates of March 30th, just once month ago, when the Mr. Speaker Francis of the House of Commons stated, "Let us consider the implications of allowing the bells to ring indefinitely. When taken to an extreme, the practice can paralyze Parliament completely. We have seen in Manitoba how the government was forced into proroguing the Legislature because an indefinite bell was used by the opposition to prevent a vote on an important government matter.

"What they are asking in this rule change, which they now propose, to allow unlimited bell ringing, to allow the castration of the parliamentary process on constitutional matters is to go beyond just the frustration of a Provincial Legislature or the Government of Canada, but for an opposition to frustrate the whole country. I do not believe that that is in the interests of serving our parliamentary democracies."

Certainly Mr. Lyon, when he was one of the negotiators that set up the existing constitutional amendment process, would have rejected this out-of-hand had it been considered in the negotiations talks that went on some four years ago in Ottawa, and which had gone on previously for so many years, actually over decades. I can certainly imagine the scorn with which Mr. Lyon would have received such a proposal to amending the Canadian Constitution, knowing his colourful ways in which he has referred to many issues in parliamentary process in the past.

What I fear from the comments that we have from the Opposition House Leader is that we are now going

to embark upon a period of some days and perhaps when this comes before the Legislature for approval, we may end up seeing the opposition carry on the campaign of what would be considered some misinformation as to the implications of what indefinite bell ringing on a constitutional amendment would be, in trying to get themselves out of some hot water, or what they got themselves boxed into last year with this indefinite bell ringing. I really don't know that they, at the time, considered the long-term consequences and the implications for a province, let alone a nation, of allowing that to have to happen.

If I could close my comments, Mr. Chairman, on once again quoting from Mr. Speaker Francis, in that he quoted, "Do we in this House of Commons really want to enshrine this device permanently in our practice?"

Mr. Chairman, that is referring or he is referring thereto to the prospect of indefinite bell ringing on any matter, not excluding constitutional matters at all, on any matter before the Parliament of Canada. I would close by saying that it is an abhorrence to our British Parliamentary system that we have inherited, and I would not like or want to be part of a Legislature which ended up passing a resolution as is proposed by the opposition now, which would go so very far, I believe, to destroy the foundation for our system that founded in 1216 with the signing of the Magna Carta.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman. I wish to support the motion proosed by my House Leader.

MR. CHAIRMAN: Are you ready for the question?

The question before the House - I assume you want it read - "Notwithstanding subsection (3) of Rule 10, there shall be no limitation on the length of time division bells shall ring on a resolution to a amend the Constitution."

Those in favour, please say, aye. Those opposed, please say, nay. In my opinion, the nays have it, and I declare the motion lost.

Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, while we're still on this rule, I'd like to put a further motion before the committee, sir.

I wish to move, seconded by my colleague and House Leader, the Honourable Member for Lakeside, that Rule 10, as amended, be further amended by the addition of the following subrule: 10.(6) "On any constitutional resolution there shall be no motion of closure or action for the previous question on constitutional resolutions or amendments thereto."

MR. CHAIRMAN: You've heard the motion.

Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman, on a point of order, I would suggest that the proposed rule is not appropriately placed in our rules as 10(6), but rather, should probably be placed either as a separate rule or be added to Rule 53, which deals with the previous question and Rule 37, which deals with time allocation in debate.

I'm not, Sir, suggesting that you should rule the motion out of order, but rather that the motion be added in either one of those places or in both of them, in the word drafting of the motion, if that's agreeable to Mr. Sherman, rather than placing it in the rule for the taking of divisions.

Perhaps, Mr. Chairman, we can debate the matter as moved and then agree that should it pass, that we find the appropriate place in the Rule Book for it.

MR. CHAIRMAN: With that agreement, do you wish the motion read again or do you understand and appreciate what it is?

It is moved by Mr. Sherman that Rule 10, as amended, be further amended by the addition of the following subrule or it be inserted under some other appropriate heading: "On any constitutional resolution there shall be no motion of closure or action for the previous question on constitutional resolutions or amendments thereto."

Are you ready for the question?

Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman. I certainly have no difficulty whatsoever with Mr. Anstett's suggestion that it should be considered at a different point in our Rule Book, and in fact, Sir, I considered that, but I felt that to do it that way I would have had to bring it up under Item No. 7 on the agenda, Other Business. Since we don't know how long the current meeting of the committee may continue, Mr. Chairman, I didn't want it deferred beyond this sitting of the committee.

Further to that, since it dealt with essentially the subject at hand, which is the question of the what the opposition feels very strongly amounts to the freedom of debate and freedom of public participation and dissemination of public information, it seems appropriate that it be discussed here.

I can't agree with the Government House Leader's perhaps semi-jocular suggestion that it's out of order, Mr. Chairman, and I know he didn't make that suggestion in a formal way, but he did use that term in his bantering across the committee table. I would submit that in no way is it out of order. It doesn't address a subject that's been dealt with up to this point in time in the manner in which the aspects of this issue have been couched, phrased, and considered heretofore. It deals with not an altogether new idea, I think perhaps it was your idea to begin with, Mr. Chairman, but a new idea from the point of view of amendments to our rules on this subject of debate and freedom of debate and the right of the opposition to protect an unfettered opportunity and atmosphere for debate on proposed constitutional resolutions or constitutional amendments.

It deals not with the specific procedure of bell ringing, which certainly has been examined very thoroughly up to this point; it deals rather with the device which lay at the base of all the difficulty, that the government and the opposition and the public and the Legislature experienced for several months in 1983-84 on this subject, Sir. It deals with the government's device of invoking closure.

Again and again, the Government House Leader has insisted, both inside and outside the House, and I don't

hink I'm taking him out of context, if I am he certainly an correct me, that we in the opposition paralyzed he parliamentary process, or paralyzed the legislative rocess. A moment or two ago Mr. Scott talked about isinformation and the danger or the tactic of spreading r disseminating misinformation. I would suggest, Sir, hat the argument about paralyzing the legislative rocess and the culpability of the opposition, where hat subject is concerned, represented some onsiderable misinformation and some considerable listortion of the facts.

The fact of the matter was that the goverment aralyzed the legislative process. The government efused to permit the public, through its elected epresentatives in the Legislature, to debate their roposed constitutional amendment in the full, free, nd unfettered manner that it deserved. Furthermore, t blocked off debate on its proposed legislation entirely. Closure on the legislation proposal was invoked within ne day, but that is a secondary point, and I'm not rimarily concerned with that. I'm concerned with the onstitutional resolution, the amendment brought forward by the Government House Leader on the 5th of January, which subsequently was subjected to proposed amendment by us, and which debate then encountered the invocation by the Government House Leader, day after day, of Rule 37, i.e. the closure rule. That is what paralyzed the debate, Sir, and that is why the bells were rung.

The bells were rung to prevent a vote which the people of Manitoba had no way of winning, to prevent a vote which the opposition could not do otherwise than lose. That, Sir, is where the difficulty was born, and that is the reason for the proposed sub-amendment offered by our side now.

We find it difficult, as we have clearly stated, to live with the kind of limitation on the bell-ringing device, the extreme limitation on it, that the amendment just passed by the committee implements. Obviously, we're going to have to live with that. A far greater problem for us is the arbitrary authoritarian action of any government in bringing in closure on a proposed constitutional amendment. That is what we must protect Manitobans against, at all costs in the future, if we can, Sir.

We appeal to members opposite who are government today, but could be opposition tomorrow - it happens, it happens, they're all politicians, I'm sure they understand that - to consider the importance of the democratic principle at stake here.

So that's the reason for the proposal, Sir. If we have to, and we do, obviously, live with the constraints now placed by the government on the use of the device of bell ringing to keep debate going, then at least the public should be protected against paralysis of debate by a government that wants to push a constitutional amendment through against the will of the people.

As long as government can paralyze legislative debate that way, there is no guarantee, opportunity or instrumentality for defence of the people's rights. This rule, this proposed sub-amendment, would ensure that at least the arbitrary action of a government in trying to force through a constitutional amendment would have to be subjected to free, full, and unfettered debate and could not be choked off and paralyzed by closure.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, I, in no way wanted to suggest that the motion is out of order, although I said so in jest to the Member for Fort Garry. Certainly our discussion today relates to time limits on division bells and the member is quite correct in suggesting that had he raised it as a rules change to another section, it might well have been appropriate under 7 on our agenda, Other Business. But I appreciate that members opposite, although I do not agree, consider this a related issue.

Mr. Chairman, I somewhat reluctantly, but nevertheless have to reply in part to what I would characterize as preposterous nonsense that this government in any way paralyzed the legislative process. I think it's irresponsible to suggest that, and although I understand from whence Mr. Sherman cometh, it's clearly an attempt to assess responsibility for what will happen in the next several months with regard to that issue which the opposition forced before the Supreme Court in Ottawa, to place that responsibility somewhere else than where it belongs. It clearly belongs with the opposition. There's absolutely no question about that, and our opportunity to settle it in the Legislature was obstructed by a paralysis of the Legislature brought on by unlimited bell ringing. To suggest even for a moment that after nine months of debate in the House and in committees, and then back in the House and back into committee that somehow the government paralyzed the legislative process, Mr. Chairman, that just won't wash.

But, Mr. Chairman, having said that and addressed that political statement that the Member for Fort Garry made in that regard, I set that aside, because I think our purpose here is to deal with the rules. To be quite honest I think the Member for Fort Garry makes a very valuable suggestion. If I take it that his motion is really a suggestion that constitutional amendments, much like Budgets and Throne Speeches, should have a specific guarantee that debate will not be arbitrarily cut off, that debate for an extended period of time will be allowed. Mr. Chairman, I think it is reasonable for this Rules Committee and its members to take back to their respective caucuses the essence of the proposal which is that a mechanism for allocating a specific and extensive period of time for constitutional debate on an amendment to the Constitution be placed in our rules.

Perhaps, Mr. Chairman, we might think of something like the debate period set aside for the Budget or the Throne Speech. There there's a guarantee of eight sitting days. I'm not proposing that, but certainly although I reject the suggestion that the government should not be able to use the previous question or closure on any item before the House, because those are guarantees just as much as a limit on bell ringing is a guarantee, that a decision will ultimately be made. Certainly a minimum, and that would make it different than the Throne Speech or the Budget, but a minimum of eight sitting days could be a way of addressing the concern. That would not then be like the Throne Speech and Budget in that it is also a maximum, because there will be issues of major import in which members will want to debate for a longer period of time, but I think

the concept of providing in our rule a time allocation period to provide a guarantee is a reasonable one to explore.

So for that reason, rather than dwelling further specifically on this motion, if members opposite are agreeable, I would propose that that question, time allocation on constitutional matters, be placed on our agenda, that we discuss it with our respective caucuses, and that we address that in this committee in terms of a rule for the future.

If that's acceptable, Mr. Chairman, I would certainly move that the question be deferred for that purpose. But certainly, Mr. Chairman, if members opposite insist on the specific proposal they've put before the committee rather than addressing the wider question, then I would have to oppose the motion because I think it is against the basic principles of parliamentary decision-making.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: Very briefly, in concurring with Mr. Anstett, I agree first of all that what the essence of the concern ought to be, perhaps I would be wrong in saying is, is time allocation and not closure. I think that the notion of time allocation on a constitutional issue is certainly worthy of serious consideration and looks to me to be a reasonable proposition that reasonable people can reasonably agree on. You see, what you have with simply the removal of closure is the opportunity for filibuster, and filibuster can be as paralyzing in terms of legislative debate and legislative process as bell ringing.

It's always been my view that closure should be used very very sparingly and only in those cases in which in fact the purpose for it can be demonstrably justified in a free and democratic society, if I may paraphrase the opening words of the Charter. But if you remove the closure provision and don't do anything else, then you do leave the room open to an opposition so minded to simply carry on the debate and not in perpetuity. Nothing is in perpetuity but to a point where the legislative process is paralyzed, and in effect the democratic process is paralyzed.

I think this notion of time allocation is a good one, and I hope that if indeed, as I believe the opposition are sincerely looking at this, in terms of making sure that there isn't a cutoff on debate on a constitutional resolution which would prevent every member, for example, having an opportunity to speak, if that's what the object is, then let's take this back to our respective caucuses in due course and during this Session, if necessary, have the Government House Leader and the Opposition House Leader meet after they've talked it over with their caucus. Have them meet with the Speaker, it's an important idea. We have modelled within the rules which time allocation can be used. Let's do it that way.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Well, Mr. Chairman, in speaking in support of the motion, as moved by the Honourable Member for Fort Garry, members opposite, they like the phrase "time allocation." Of course, that compartmentalizes things neatly for them. It holds out to them the secure knowledge that the universe will unfold as they see it within a set space of time. I suggest to you, Mr. Chairman, that the removal of closure and the attended use of the previous question section of our rules, which is really a very severe time allocation, which of course brought about the ringing of the bells, in essense means that debate is cut off at 2:00 a.m., the day that that motion is successfully passed in the House.

The Attorney-General refers to the situation that will arise if this motion was adopted, that we would then replace bell ringing with a filibuster situation in the House which he sees no difference, I suggest to him that is not the case. A filibuster depends entirely on the innovative measures that an opposition can bring to bear but with limitations.

Our rules call for a fixed limitation of the kind of amendments that are and can be accepted by the Chair by our Legislative Assembly. It allows certainly, as one would hope, for an opposition to vigorously expend every possible opportunity to make itself heard and indeed to delay the process to the point that where during that course of activity general public awareness can be brought to bear on the question under consideration. But there is a limitation. House Leaders are particularly aware of that limitation, in the sense that they have to reserve members who are qualified to move further amendments, and as that process wears on, you do come to a point where your time runs out. Well we're dealing again, and we're dealing solely, with matters of a constitutional nature, which this nation spent 40, 50 years in debating across the width and breadth of this land, in arriving at resolutions.

Mr. Chairman, I just want to point out to honourable members opposite that they are really asking for a double hammer here. They are now imposing 15-minute time limits on the ringing of bells, and yet they want to hold on tightly to the draconian measure of closure and the previous question, when used in tandem, that means that a debate is cut off by 2:00 a.m. the next morning. That's how you're walking out of this committee room and that's the kind of recommendation you're making to the House. I can guarantee you some hot debate on that question.

I think the measure that is being proposed by Mr. Sherman is one that deserves every consideration by government members of this committee and one that should not be distorted as is being distorted by both the House Leader and the Attorney-General, into a simple question of time allocation again - a three-day or a four-day or a five-day debate. No, there's a procedure under which an opposition can do precisely what Mr. Sherman and what the public expects us to do under these questions - allow for unfettered, full-ranging debate, which was not the case on this important question. I remind honourable members, I had speakers left on my roster that had never spoken to the important constitutional resolution before us. We, on such a sensitive issue as a language bill, had closure invoked upon us on the first day and the previous question put, whereby we had to resolve. It was either resolving the issue by 2:00 a.m. of the same morning or ringing the bells.

Well, Mr. Chairman, I simply say that the immediate track record of this government on this issue to insist

on maintaining for itself the double hammer of closure and severely restricted time on bell ringing is foolhardy. I'm now expressing concern which I really oughtn't to express. I'm expressing concern for the perception that people of Manitoba will have if you persist in this course. Because I want to tell you, Mr. Chairman, people of Manitoba do understand that they want constitutional matters dealt with somewhat differently than other matters. As an alternative to the position, of course, that we have consistently put forward, that we don't believe time restrictions, period, are necessary, I think either the motion that was just defeated, put forward by myself, and now the motion that is being put forward by Mr. Sherman, is worthy of consideration.

As you know, Mr. Chairman, it was worthy of your consideration, in suggesting it to me and to the Government House Leader, as a possible alternative or a compromise that both House Leaders should consider. What is it that's before us? We're simply saying, okay, the opposition will not be able to ring the bells; the opposition will not be able to put off debating the issue. The Government House Leader can - and that is used far more frequently than the actual use of closure, for a Government House Leader, after a certain period of time not to accept adjournments of a debate, is an acceptable practice in our House and has been used by this government. It has been used by our governments in the past and when the Government House Leader decides that they will accept no more adjournments on constitutional matters, the opposition then is forced to debate the question until it's exhausted its opportunities to do so.

There is a limitation to that debate. There are only so many amendments and sub-amendments that can be moved and it depends then on how strongly the opposition feels, how much support the opposition feels is there, in their position in the general public, to the extent that they can successfully filibuster, if I use the word the Attorney-General used.

By the way, the word "filibuster" is not a contemptuous word at all in parliamentary democracy. A legitimate filibuster is very much an accepted part of parliamentary democracy. I know that in certain forums that would cause problems, but not in a parliamentary democracy. It has been used for the protection of citizen rights in many Legislatures in preventing a government from willfully having its way - if, as a result of that filibuster, a government has decided to reconsider or rethink its position. On the other hand, there are as many, if not more examples, where a filibuster has proven not successful because in the final analysis, the government has the numbers and with no more opportunities, adjourned debate and opposition does finally have to agree to the will of the government.

So, Mr. Chairman, why the overkill? You've used your numbers to reduce bell ringing to 15 minutes and you still want to hold in your clutch bag of available mechanism and tools - those rather severe measures as acknowledged they are severe by the Attorney-General - closure and particularly when used in combination with the previous question rule in our Rule Book, seldom used in this Chamber. Seldom, that is, except for the government that we presently have.

We're not suggesting that the government give up the right to use closure or the previous question when they feel compelled for the need to do so. We are suggesting, and we would think that with our recent experience, that on this question of constitutional change, you would be sensitive enough to forego the use of closure and to force the opposition to debate. Force us to debate. Not - you force us now that we can't walk out and now force us to debate, but no you want to hold back that right, which you have demonstrated so capably of invoking closure at will and at leisure - impose it.

MR. CHAIRMAN: Does that conclude your remarks Mr. Enns?

Mr. Penner.

HON. R. PENNER: I am, first of all, let me say, genuinely disappointed that what was a very reasonable proposition made by our House Leader, in order to arrive at consensus, should have triggered off such arrant nonsense and political posturing that any notion that they're looking for consensus appears to be hollow mockery, and I hope I'm wrong in that. It wasn't even given the courtesy of a consideration. It wasn't even the suggestion.

Well, let's think about that. Instead we get out with these nonsensical notions about the double hammer. The Opposition House Leader who, as a House Leader, I'm prepared to presume knows the rules, knows that with time allocation closure doesn't work. Because, for example, with respect to the existing closure rule, this rule does not apply to a debate on a motion for address and reply to the Speech from the Throne or to a debate on a motion to go in Committee of Supply. You can tie in, as you would, in any time allocation a further amendment to the closure rules saying that closure doesn't apply to the time allocation with respect to constitutional resolution. The Member for Lakeside knows that, and yet in order to make a political point, in addressing himself primarily to the media and not to the proposition placed before you by the Government House Leader, he says there's a double hammer. There isn't a double hammer.

Consider this. Don't reject it out of hand. We are genuinely concerned that there should not be the throttling of debate and to suggest, incidentally, Mr. Chairman, that there was the throttling of debate in this particular instance and that is what gives them cause for concern again is arrant nonsense and falls flat on its face in the face of the record. Because in the nine months, there were something like, from the opposition side - I once had the count and I've forgotten it, but I'll get it again - between 110 and 123 speeches made. Whether or not they were made to the initial motion to refer to committee or whether they were made on any subsequent issue, all of them dealt with the substance of the matter. Let no one be fooled by that. All of them dealt with the substance of the matter again and again and again about the people of Manitoba, about bilingualism, about this, that, and the other thing, but about the substance of the matter. Somewhere between 110 and 120-something speeches to the issue, so to talk about the debate having been forced or closed or cut off is, I must repeat the phrase, arrant nonsense.

Filibuster, if I'm not mistaken, my learned friend, Mr. Anstett, will deal with it. It used to be a device that

was permitted in the U.S. Congress. I don't think it any longer is because it fell into disrepute, and one recalls these scenes of people getting up and having lunch by their side and going on for days and days and days.

The fact of the matter is that if you address this issue only from the point of view of the elimination of closure, then there is no limit. The only limit is the limit of the informed imagination of an opposition and among the 23 of them on that side, as things now are, surely, there are two or three who can be scraped together who have informed imagination. Because it's just a question of after you exhaust the 23 speakers, you make an amendment which is an amendment in substance and not just an apparent amendment in form, and off you go. If you can carry the debate to that time in the life of a Legislature when you're nearing the end of a fiscal year and the government, in order to get his business done, yes, you can use the filibuster method to throttle parliamentary procedure in a whole number of ways.

I'll leave Mr. Anstett to deal with some of those issues, but I do want to, perhaps coming down from my own particular brand of rhetoric, come back to a plea to members of the opposition who are represented here by Mr. Enns and Mr. Sherman, both reasonable men. I almost said eminently reasonable, but I'll leave it at reasonable men. — (Interjection) — Okay, one of them is eminently reasonable.

SOME HONOURABLE MEMBERS: Oh, oh!

HON. R. PENNER: Consider this. You say that what you want to make sure is that there can be a full and free and frank debate on a constitutional resolution, and when a constitutional resolution comes from a First Ministers' Conference - it's not agreed to there - but what is agreed to is the text, and basically what you are arguing is the principle and you can have all 23 persons say what they want to say within a time allocation. It can be an eight-day time allocation. I'm not making a proposition. We have to consider it in our caucus, but tell us that you really are interested in that and not in filibuster and we can do business.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: Thank you, Mr. Speaker.

The removal of closure of the previous question for matters of constitutional, as well as whatever is to be considered in other matters as well, is I think a bit of a touch of a red herring I guess on the issue, because closure and previous question are only used when a process is broken down in the first place. A government that wilfully uses closure at any point in time or at their so-called free will and, flagrantly, have very soon upon their backs the wrath not only of the opposition but of the press and of the public, by far the most important being the public. The use and the respect for the parliamentary system is one of the things that closure can offer, because without the closure, without the previous question, one can get into incessant filibustering, which ends up in disgracing the House more than anything else and ends up in discrediting the process which we are here to serve.

The Leader of the Opposition stated that the public may misread or misunderstand what we are trying to do or what this brings upon us, and I would hope that they would not have anything to do to lead towards that misinterpretation by the public of what is in fact passing before this committee today and before this Legislature. I may be wishing that somewhat ideally, I suppose, given their conduct for the past year, but I would hope that they would not go out and to try to mislead as to what is actually happening in this committee and in this Legislature.

Filibuster, as the Honourable Attorney-General just stated, has in the past and is still available for use but must recognize that the government at some point in time must have the will to allow for its business to proceed.

If I can refer to a quote that was used by the Honourable House Leader back on January 23rd, when he quoted from Speaker Brant of the House of Commons at Westminster, when he said in reference to the Irish National Party and their obstructionist tactics in the House, he ruled that "This House is perfectly well aware that any member wilfully and persistently obstructing public business without just and reasonable cause is guilty of a contempt of this House."

The issue of time allocation, as the Government House Leader has put forward, I think is a most reasonable one to guarantee that in any constitutional debate there would be ample opportunities for all sides of the argument to express their opinions. If one was to follow the example of our Budget, I don't see anyone squawking that our Budget Debate is not long enough. We've just gone through a Throne Speech where the full-time allocation allowed was not even used, perhaps in a way to help speed-up the business of the House with the co-operation of the opposition, and perhaps it was such a good Throne Speech.

The point clearly being that the time allocation on the Throne Speech, and the Budget speeches in the past has not been seen by any opposition, that I'm aware of, as being an unreasonable procedure. They have certainly been able to put up all their speakers, to put their speakers up so that they can have a chance to participate in that most important debate. If that was to be brought in, as the Government House Leader has suggested that we study that proposal, I think it would set a precedent, and a positive precedent, for other provinces and the Government of Canada on this sort of measure.

If I could finally close off with the opposition's cries about closure, and our use of closure last year, let me remind them of one of their members at the time, grumbling loudly across the House when we were just back in in the new year, when he stated, and I may be somewhat on my quotes, but the essence of it is here that, and I quote, or at least I try to recall the quote, "That if you guys had any guts you'd bring in closure and be done with it." So the first call for closure in that Legislature last year was actually from the opposition, not from the government. The government only brought in closure at a point in time which was not on a constitutional amendment.

So the argument that you bring forward on the closure aspect was on a bill which you are saying is okay, it's okay to go ahead with closure on a bill, and that was the onle time closure was used last year, on Bill 115.

So, we have a situation where the arguments are somewhat facetious that they are bringing forward and

that the basis of their argument is not even, in fact, a basis of what happened in the past, and what would happen in the future as their proposed amendment would provide for.

So, I would say thoughtfully that the opposition's, and the Member for Fort Garry's, amendment should be rejected but that it would be, I think, a good opportunity for the committee to review the whole question of time allocation on constitutional amendments so that there would be ample opportunity for the opposition and the public to participate.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman.

You know, one of the difficulties that I find, I don't know whether my colleague, the Member for Lakeside, would agree, but I'm sure he would, is that there are impressions that have been sown abroad in the public mind by a spokesman for the government, not necessarily all of them, but by spokesmen or spokeswomen for the government, that are now extremely hard to combat, Sir. For example, we sit here and we listen to a number of people on the government side bandying around the term nine months, the fact that the opposition had nine months, that this debate went on for nine months. You know, Mr. Scott talks about misinformation and about the spreading of false information, or to misleading the public. His comments are so full of nonsequiturs that it's really hard to know where even to begin on them, Mr. Chairman. This nine months' catch-phrase is a classic example of the misinformation spread by Mr. Scott and his colleagues. Sir, the debate on this issue occurred in the House. — (Interjection) — If Mr. Scott will permit me, I listened painfully through his convoluted arguments.

The debate on this issue, Mr. Chairman, occurred in the House from mid-June to mid-August, which was two months, and from early January to the end of February, which was slightly less than two months, for a total of something slightly less than four months. Now, I'm not saying that four months is inconsequential, but what I'm saying is that it isn't nine months. There was no nine months of debate, or filibustering, or invocation of closure, or ringing of the bells on this issue.

There was too much debate last summer on the referral motion, not on the substantive resolution itself, but on whether it should go, or would be permitted to go to the public and go to committee or not, and then, Sir, there was two months of debate on the amended resolution from January 5th to February 27th.

It's extremely difficult to deal with this subject in any reasonable way when you get people continually bandying around these catch-phrases that are misrepresentations of the facts. It was not a nine-month debate.

Well, not to labour that point, Sir, any more than I have done I just want to deal with a couple of points. Mr. Penner said there was something between 110 and 120 speeches from our side last summer, and all of them dealt with the substance of the matter regardless of whether we were actually on the referral motion or not. But I remind the Attorney-General, Mr. Chairman, that is true and we succeeded, and the people of Manitoba were thankful for it. We succeeded in changing the resolution substantially.

Now if there were time allocations and time limitations of the kind that perhaps haven't been proposed in detail by the Government House Leader, but certainly are implicit in what he and his colleagues are saying here, what would be the condition, what would be the state and the status of a resolution like that, Sir? If we had not had the opportunity last summer to debate, and argue, and even if you like filibuster - I don't recoil from the use of that term. I agree with my colleague that it's a legitimate parliamentary procedure - but if we had not had the opportunity to debate, virtually to exhaustion, the referral motion last summer, Sir . . .

MR. H. ENNS: We wouldn't have had public hearings.

MR. L. SHERMAN: Well, we wouldn't have had public hearings but further to that, Sir, if we had not had that opportunity we would not have had the resolution. The point is we would not have had the amended resolution brought into the House by the new Government House Leader, Mr. Anstett, on the 5th of January. That is my point. We would and the people of Manitoba would have been stuck with and living with the original resolution.

So this is one of the strongest arguments that can be turned against the government's advocacy of time allocation on debates of this kind. The debate during the summer, the committee hearings held during the fall, the subsequent aborted negotiations and consultations between the First Minister's office and my Leader's office, and then the return to the sitting of the Legislature on the 5th of January produced the amendment to the resolution that was then placed on the record and on the Order Paper by the Government House Leader, Mr. Anstett. I think that the track record of what happened to that original resolution is overwhelming, compelling argument and testimony and evidence for free and unfettered debate on constitutional matters and against the use of the time allocation feature.

Sir, just let me deal with one other matter. Mr. Penner professes himself disappointed that we would not, in his words, even consider the time allocation suggestion. But let me ask Mr. Penner what about his and his colleagues' apparent unwillingness to consider our proposal, prohibiting the use of closure on constitutional debates? Why would his reaction not be - you know, he expects us to say, okay, let us think about this, let us go back and talk to our caucus about it. What about going back and talking to our caucuses about the prohibition on closure? — (Interjection) — Well, Mr. Chairman, in my experience the first substantive exposure to the subject and examination of the subject resulted from your proposed compromise and the part of that proposed compromise that dealt with that subject. In any event, let me say — (Interjection) — No, I haven't. No, I wasn't. Certainly, Mr. Speaker, I have been at all the meetings of this Rules Committee on this subject. Let me say that the proposal put forward by us is as deserving of an examination and if the government members want to insist it's a re-examination, then so be it. An examination or a re-

examination, as their suggestion of a time allocation mechanism, is deserving of examination by the respective caucuses.

If they look at what happened to the original ill-starred, ill-fated proposal that was brought into the House by them last June, they would have to concur. Surely reason and intelligence would dictate to them that it was because there was free unlimited, unfettered debate that the Government House Leader eventually brought in a very much changed resolution. Why did he bring in a changed resolution if he hadn't learned through the debate of last summer and in the committee hearings and in the consideration that everybody was giving it in their own minds that the original resolution was unacceptable?

So that one of the safeguards that is provided by the free and unfettered aspect that we're proposing is that you get better legislation. You get a less onerous, less cumbersome, less draconian imposition on the citizen and the taxpayer through a broader, fuller evaluation of the proposed measure and if there were ever any incident in Manitoba's current recent political history that illustrated that, it would be the change, the metamorphosis that that constitutional amendment resolution went through, Sir, between the initial debate in the summer and the resumption of the sitting on the 5th of January. Then, after the amendment came in on the 5th of January, Mr. Speaker, we weren't allowed to debate it. We weren't allowed to explore and examine what might have been a range of proposals for amendment or refinement or fine tuning because of the invocation of the closure rule.

So, Sir, let me appeal through you to the members opposite to, first of all, let's try and keep the discussion on facts, not fiction, and let's not go off onto these flights of brainwashing, fancy and fantasy that Mr. Scott indulges in by using terminology and phraseology that is absolutely untrue. He refers consistently to this nine-month debate . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. CHAIRMAN: One at a time please.

MR. L. SHERMAN: . . . and he knows full well there has been no nine-month debate. There was a two-month debate last summer and a paralyzed debate in January and February because of closure. There was no effective debate in January and February because of closure, so let's level with the public and let them know that it was a very limited debate. Even with that limitation, Sir, we managed to effect some very important changes from the original form of the resolution. That should be argument itself enough to recommend our proposal for prohibiting closure on constitutional matters.

MR. CHAIRMAN: Mr. Anstett.

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

Mr. Chairman, at the first meeting of the committee to discuss this question, Mr. Graham proposed as I recall - and the transcript will verify my remarks - that the real problem wasn't the problem of the ringing of the bells, but rather the problems of the use of the previous question and closure with regard to constitutional amendments, and suggested that the committee should look at that. As I understand it, Mr. Graham would not have made those comments unless they were representative of views opposite, and as it turns out they are, because we're now seeing a motion in that respect and that, Sir, also appeared in the compromise proposal which you placed before Mr. Enns and myself at the beginning of last week.

Mr. Chairman, we considered that and for Mr. Sherman to suggest that we haven't is based upon knowledge of the affairs of our caucus and the members of this committee to which I'm sure he is not privileged. I think he'll have to accept the fact that that matter was given full consideration both by this group and by our full caucus.

But, Mr. Chairman, I don't think he heard my proposal, so I'd like to put it one more time. What I said was we should be looking at a minimum time allocation, similar to that provided for the Throne Speech and Budget, but different in substance in that it would be a minimum guaranteed for debate on constitutional amendments after which time debate would continue if members wanted it to continue, but after which time and only after that time could the previous question or closure instruments under our rules be used.

Now, perhaps I didn't make that that clear. I didn't want to lay out a definitive proposal. I'm not sure if eight days is the requirement. I'm not sure if it should be six or ten or two weeks, but I am suggesting that to get around the problem which honourable members highlight and that is that closure or the previous question could be moved on a constitutional amendment the day after it's introduced in the House or two days after or three days or five days, that perhaps some minimum guarantee, the reverse of the Throne Speech and Budget, in that it would not be the maximum but rather a guaranteed minimum. Of course, members by leave could agree on a minor change, on which the House was unanimous, to debate it one afternoon and by leave wipe out their right to debate for the balance of the period.

I'm suggesting that is something we can look at, and I'm asking that members defer consideration of the whole question of time allocation, and the use of closure, and the previous question with respect to constitutional amendments to a further meeting so that that concept can be examined. I don't have a definitive proposal for this committee this morning, but I do suggest that there's merit in addressing the problems that members opposite, and certainly the one eminently reasonable one of the two might be willing to consider that that is the case.

Mr. Chairman, that's all I'm asking. I'm not suggesting for one minute that closure and the previous question should be applied to constitutional amendments the day after they're introduced to the House, but I'm also not agreeing that the use of those tools should be completely abrogated for the Legislature.

Now, Mr. Chairman, it's suggested, and members opposite as well as others have suggested that closure was used in some way, with abandon, I think is the word used by the Member for Fort Garry, in the last Session. Mr. Chairman, it was used only once. Every other attempt to try to force a resolution by time allocation of the matters before the House was met with unlimited bell ringing.

Mr. Chairman, as well it's suggested that there was some possibility of compromise. Mr. Chairman, the Member for Fort Garry, for one, knows that many attempts by myself to explore possible compromises in December, and in January, and February were rebuffed, and that no discussions were possible. There were over 130 speeches, yes. To suggest that somehow a filibuster was not possible during the last Session belies the fact that a filibuster was used. To suggest that it was used to force the government to hold public hearings last summer belies the fact that it was Conservative amendments to a government motion to hold public hearings that caused two months of debate.

Mr. Chairman, what we're really talking about here in this motion is a request for unlimited filibuster. Mr. Chairman, members opposite have been denied in this committee the right to unlimited bell ringing, so instead they have asked for the right to unlimited filibuster. Let's examine what that means. I've set aside the historical arguments and why the word filibuster has come into disrepute both in Canada and in the American congressional system, where certainly Mr. Penner understates the fact that the word filibuster has a very negative connotation today. Let's examine what would be possible on any government motion in our current Assembly.

Mr. Chairman, what the opposition asks for, in asking for the right to unlimited filibuster, is to speak 23 times on the main motion; and, Mr. Chairman, to move 23 amendments to the main motion; and, Mr. Chairman, to move 23 sub-amendments to the main motion; and, Mr. Chairman, to have 22 members in addition to the mover speak to the sub-amendment, as well as to the amendment, as well as to the main motion.

Now, Mr. Chairman, let's do a little simple arithmetic. What that amounts to, and this is what is being requested here, and I ask members to consider my proposal for deferring this question so we can look for another solution. In the context of their request for unlimited filibuster, it's 23 times 23 times 22 speeches. That's 11,638 speeches on one government motion. — (Interjection) — A reasonable number says the Opposition House Leader from his place. 11,638 times 40 minutes per speech; that's 7,757 hours of debate.

Now, Mr. Chairman, assuming that the government does not speak at all, does not reply to any of the speeches made, does not reply to any of the amendments proposed, we're talking a minimum opposition right to extend the sitting of the Legislature by over 7,700 hours on any government motion dealing with a constitutional amendment, that's what we're talking about. Now as members probably know the Legislature seldom sits more than 1,000 hours in a Session.

I said in jest to the Opposition House Leader, yes, it'll take six years. Well, Mr. Chairman, after calculating, it appears that it'll take closer to eight to get through one constitutional change, minor or major, if the opposition decides to use their right, assuming this motion were to pass, to an unlimited filibuster. That's what they're requesting.

Mr. Chairman, I think that's totally unreasonable. I think if the Opposition House Leader were in my shoes as Government House Leader, he would make exactly the same calculations and would apply the same description to their request. I think instead what we should do is say, and I think members of both sides are willing to say, yes, there is a way we can guarantee that an adequate review and debate of proposals dealing with constitutional matters can take place. That we can set a minimum time during which that matter could take precedence over other matters. I don't mean to sketch out the rule, Mr. Chairman, but there could be a way.

If members opposite are willing to defer that question, we're willing to look at it but if they persist in their demand for an unlimited filibuster approaching 8,000 hours minimum guarantee, then, Mr. Chairman, I will vote against their motion and we'll forget the matter. But if they are sincere in their attempt to address a rules change to deal with constitutional motions, we're willing to discuss that.

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: Thank you, Mr. Chairman.

Surely all the rules in the House exist in order that we can maintain the workings and the operations of the parliamentary system. The problem I think does not exist in the existence of the very rules themselves, but how the members of the House use those rules. If the rules are obeyed, the workings of the parliamentary system would probably be orderly, but human as we are, we always find some ways around rules and the very existence of the rules suggest there are exceptions to the rules.

It follows that the rules are sometimes ignored or sometimes abused, and it is this abuse that leads to the reaction that leads to the curtailment of some of those instrumentalities by which we try to evolve an orderly and peaceful resolution of human conflicts.

The operational working of Parliament depends on rules that had evolved out of human experience, and had been justified by their existence in the past, and yet they must be adaptable to the changing situations of our modern life.

The fact that we now live in a rather turbulent society implies a second look at the existence of some of these rules, some of them obsolete, some of them still useful. I have in mind, for example, this rule against closure, as well as the rule on the previous question. These are instrumental, neutral rules. They are like knives; they can be used as paring knives to peel potatoes in the kitchen for human consumption and human utility, but the knife can also be used to cut the jugular vein of a human being. It does not follow that the knife is bad; it is the use of the abuse of the rules that is bad.

I would like to say that if we need to look at the closure rules, because they tend to stifle debate, we have to look at it within the limits of reasonableness. I suspect anything that is unlimited must be subject to the closest scrutiny possible, because these unlimited things are the ones that leads to abuses and which leads to the derailment of our parliamentary peaceful resolution of human conflict.

Thank you.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Just following on the comments of Mr. Santos, of course, that's one of the marvellous things

in a parliamentary democracy, there is really no such thing as unlimited use of any rule or authority that we operate under, and we had, perhaps, the best example of that just in the past little while with respect to the limitations that are imposed upon all of us by the people that we serve, and even a government such as the one that we now have recognized that in pursuing the course of action that they did.

So quite aside from the mathematical scenario that the Government House Leader painted just a moment or two ago, the truth of the matter is, of course, that the public in the first instance would not allow that to have come to pass, and I can't perceive of a government or an opposition, even this government to allow it to come to pass, as in fact, case in point of three or four months ago proved to all of us.

I don't know whether the Government House Leader is returning, but the question that he has put to the committee about deferring any immediate decision with respect to the suggestion made by my colleague, Mr. Sherman, is one certainly that we would be happy to be able to be in a position to take back to our caucus.

I would temper my earlier comments about the double-hammer position that the government members of this committee have, in my view, chosen to reserve for itself. If I had some understanding whether or not it is the will of the government to proceed with the decisions already taken this morning at this committee; that is, to proceed with the Chamber with a motion, unilaterally arrived at this morning, having to do with limitation on bells, or whether I can take from the suggestion of the Government House Leader that both the government members of the committee and certainly ourselves as movers of the motion that is being asked for deferral for further consideration, whether the government is prepared to hold off immediate action with respect to recommendations to the Legislature on the items that have been approved this morning at the committee; namely, the specific motion with respect to limitations on bell ringing.

Certainly, I would be, I think, less than responsible if I didn't have the opportunity, Mr. Sherman, to take the developments of this morning's meeting back to our caucus, and to allow us an opportunity to bring back, at a subsequent meeting of this committee, our position with respect to either acceptance of the motion that we have moved, which I believe has merit, and contrary to the mathematical computations of my honourable friend, the Minister of Municipal Affairs, that setting them aside, it seems to me a straightforward and acceptable way of amending our rules, at the same time addressing the continued concerns that we have always expressed with respect to how constitutional matters are dealt.

On the other hand, if it's the government's will to move forward with the results of the votes taken at this committee meeting, which severely restricts bell ringing, unilaterally, and expect the House to deal with then, then my previous description of reserving for themselves a double hammer stands, and I will not temper those comments in any way, despite the annoyance of the Attorney-General.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Thank you, Mr. Chairman, I'll be brief.

I don't have any difficulty with Mr. Penner's suggestion and appeal to us that we consider the time allocation suggestion, that we take it back to our caucus and consider it. I think that it's well worth considering on the grounds and within the parameters proposed by my House Leader.

I would only appeal to members opposite, government members, to give consideration or new consideration, or reconsideration, to our proposal for the restriction on closure.

Mr. Anstett seemed to make the case very strongly that it had been dealt with earlier, but if it had been dealt with earlier, then I submit to you, Mr. Chairman, if it had been dealt with satisfactorily earlier, why then would my proposed amendment not have been ruled out of order, my amendment as proposed would have been quite out of order if that subject had already been dealt with and dismissed by this committee. So, I have to ask in all logic, Sir, whether Mr. Anstett's point is that well taken.

So, I say, sure, let us consider, as Mr. Penner has entreated us, the time allocation suggestion, and let us also consider and will the government agree to consider the subamendment put forward in my name?

MR. CHAIRMAN: It has been suggested to me by the Clerk, by the way, that the same amendment introduced by Mr. Sherman could be obtained by amending 37.(3), which has to do with the closure, and adding to it the exceptions, including a constitutional resolution; and secondly, by changing 63.(3), which has to do with the previous question, by adding to it the reference to constitutional resolutions. It is there and that is the suggested manner rather than a separate one.

Mr. Anstett.

HON. A. ANSTETT: My original suggestion was that we place the item of time allocation with respect to constitutional amendments on the agenda and agree to do that. In effect, that would require Mr. Sherman to withdraw the motion he has before the committee today, and we will agree to discuss that whole subject matter. I would not, however, agree to discuss something that I've been directed by my caucus to reject, and that is the specific proposal related to previous question and closure, and the abolition of the right to use those on constitutional amendments.

That, we have taken a decision on. However, I think the whole question merits examination, and I'm prepared to go back to our caucus and ask for that examination on the whole question, but I can't do that on the specific motion because consideration of the question related specifically to that motion is a question that we have already dealt with on our side and given a position on in this committee. I'm not suggesting that it's been dealt with in the committee, but that it has been dealt with in discussions between the House Leaders and certainly within our caucus.

I'm suggesting, therefore, Mr. Chairman, that if that's agreeable, then that's how we proceed; if that's not agreeable, then we can have the motion come to a vote and dispense with the matter, but I don't think members opposite want to see it dealt with that way. I think they would like to try to see if there's a consensus, perhaps not exactly as they propose. In fact, I can tell

you now I cannot see it being exactly as they propose because that exact provision is not one that commends itself to members on this side, but some way of addressing that issue we are willing to examine.

With regard to Mr. Enns' request that the decisions already taken by this committee not be reported to the House, I don't know how we can accede to that in that the Clerk must prepare a report when the committee has made a decision and report those decisions to the House. If, and only if, we were to be agreeing to the rule change suggested by members opposite, could we then delay the matter on the assumption that the two of them are closely allied.

I suggest, Mr. Chairman, we are not about to have the constitutional amendment come before the House. I certainly don't expect one this Session, and I certainly expect that this committee can meet again to discuss the subject matter proposed by Mr. Sherman and perhaps discuss the whole question of time allocation, the minimum guarantee for debate, etc. But I think we should deal with the question of limits on the division bells, and I think that part of the report should go to the House and the opportunity for making a decision on that in the House and for incorporating that provision in our Rules should proceed.

With regard to the other matter, I think we can discuss that and hopefully come to a consensus here in the committee on how to proceed and have that change also incorporated in the Rules long before another constitutional amendment is before the House.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: Mr. Chairman, I must seek advice on the matter, not having dealt with or having been a previous members of Rules Committee, I recognize that it's automatic or next to automatic that the House is apprised of the action taken in this committee. But my understanding is that it is very much in the hands of the Government House Leader as to when and how the House deals with the - what I was given to understand - concurrence motion of the actions of this committee that then effect the changes into our Rules and the rules become operative.

In other words, what I'm suggesting to the Honourable Government House Leader is that the tenor of that debate in terms of accepting the severe limitations on bell ringing in my judgment would be affected by some successful resolution of some form of the resolution put forward by Mr. Sherman.

I only offer that as advice to the Government House Leader.

MR. CHAIRMAN: What is your will and pleasure? Mr. Anstett.

HON. A. ANSTETT: Mr. Chairman, my offer still stands to ask that this item be placed on the agenda for future meetings, subject to the agreement that we get withdrawal of the motion as moved so that we can discuss the whole thing without a motion before the committee and then move on.

I cannot give honourable members opposite a guarantee that a motion for concurrence in the limit on bell ringing won't be taken into consideration until after this matter is dealt with, but I see every reason why we can enter into some discussion this week, and hopefully at a meeting as early as next week of the Rules Committee address a consensus position, if that's possible.

I have to say, though, that that consensus would not include the motion as moved by Mr. Sherman, and that's why I'm asking that if you want to the item on the agenda for the next meeting and something that we can discuss privately between now and then, then I would ask that the discussion centre around the question of time allocation with regard to constitutional amendments, a guarantee of a minimum time allocation during which previous question on closure would not be used, as is presently provided in the rules on closure and with respect to the Throne Speech and the Budget.

Now, if we can develop something along those lines, that's agreeable; otherwise, there's no use pursuing it. Because, as I said earlier, Mr. Sherman's specific motion does not commend itself to members on this side and we would be prepared to vote against that motion, but we are prepared to discuss the subject matter which relates to allocating time somehow, to ensuring that closure on the previous question cannot be pre-emptorily by the government on constitutional matters.

If that was his intent, then certainly we're willing to entertain it. If the intent was a request for unlimited filibuster opportunity, then we are not prepared to entertain it.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Well, I suppose we're into an area of semantics and rather difficult semantics, Mr. Chairman. Certainly, I was not asking for unlimited filibuster opportunity, I was asking for what I believe to be unlimited debating opportunity.

I am a little confused with the point Mr. Anstett appears to be attempting to make when he says that the proposal put forward by me would not be part of that consensus, that he is prepared to look at this overall subject in his caucus and try to arrive at some consensus with respect to time allocation, but the proposal put forward by me would not be part of that consensus, if I understand him correctly.

What I and my colleague, my House Leader, would wish to have, Sir, and I think it's not unreasonable, is assurance that he doesn't intend to prejudge that situation, and that the proposal that we have put forward, that happens to be in my name - that's of no consequence - but that the proposal that we have put forward will be taken into consideration and discussed in the discussions that he's prepared to have with his caucus on this whole subject. Let them decide whether it's going to be part of that consensus or not.

HON. A. ANSTETT: Mr. Chairman, I apologize to Mr. Sherman if I've implied in any way that we are not prepared to look at limits on the use of closure in the previous question. That, we are prepared to do, but only in the context of a time allocation period.

If the bottom line for members opposite is, as Mr. Sherman said, and I think I can quote him correctly, "the right to unlimited debate on constitutional matters," then, Sir, we can settle the matter now; we reject that.

But if the request is for a reasonable guarantee of debate during which the previous question on closure cannot be used, that, we are willing to discuss; and that, I would like placed on the agenda for the next meeting.

But if Mr. Sherman feels that his bottom line is the right to unlimited debate, then we can settle that question now and deal with the other question at a future meeting.

So that is why I say that proposal specifically, the right to unlimited debate, we are not prepared to discuss as part of the consensus.

MR. CHAIRMAN: The time of normal adjournment is approaching rapidly. What is your will and pleasure?

Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, I will defer to my House Leader, who may want to make some more elaborate comment on this, but I would have to say at this juncture, with regret, that I do not feel on the basis of the Government House Leader's latest comments, latest statement, that I am prepared to withdraw my proposed sub-amendment; that is, to put it in a rather convoluted way, I regret that I am not prepared to withdraw my proposal, Sir.

MR. CHAIRMAN: Mr. Enns.

MR. H. ENNS: I do regret that I have to reiterate my earlier statements. The Government House Leader keeps insisting on a time allocation as a prerequisite to a serious consideration of the concern that was expressed in Mr. Sherman's motion. The government, by its actions this morning, wishes to retain for itself what I describe as a double-hammer effect to severely restrict bell ringing, and at the same time save for itself the tools of closure and previous question in such a limited way that it would not prove acceptable certainly to members of the opposition.

For that reason, Mr. Chairman, I suggest that we deal with the motion before us.

HON. A. ANSTETT: No, Mr. Chairman, I'll speak after we put the question if members will grant leave to ask that a particular item be placed on the agenda then for the subsequent meeting.

MR. CHAIRMAN: Are you ready for the question? Do you wish it read again or are we all clear on the intent there?

If so, those in favour of Mr. Sherman's amendment, please say aye. Those opposed, please say nay.

In my opinion, the nays have it and I declare the amendment lost.

Do you wish to have the numbers recorded? If that is the case, those in favour, please raise one hand. Those opposed, please raise one hand.

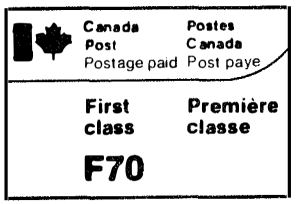
A COUNTED VOTE was taken, the results being as follows: Yeas, 2; Nays, 5.

MR. CHAIRMAN: Mr. Anstett.

HON. A. ANSTETT: Yes, Mr. Chairman, before we adjourn, with the concurrence of other members, I would ask that an additional item be placed on the agenda for our next meeting, that item being described as Minimum Debating Time Guarantee for Constitutional Matters.

MR. CHAIRMAN: It has been noted, and we leave those other matters on the agenda until the next meeting.

Committee rise.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