



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

STANDING COMMITTEE

on

RULES OF THE HOUSE

31-32 Elizabeth II

Chairman
Mr. A. Anstett
Constituency of Springfield



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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, 7 February, 1983

TIME — 10:00 a.m.

LOCATION — Winnipeg

CHAIRMAN — Hon. D. James Walding (St. Vital)

ATTENDANCE — QUORUM - 5

Members of the Committee present:

Hon. Messrs. Penner and Walding

Messrs. Anstett, Fox, Graham, Ransom,
Santos, Sherman, and Scott.

WITNESSES: Mr. André Martin, Director,
Translation Services, Department of Cultural
Affairs and Historical Resources.

Mrs. Hilda Miller, Hansard Co-ordinator,
Legislative Assembly.

MATTERS UNDER DISCUSSION:

Interpretation Facility

a) User guideline

b) Extension to galleries, loges

Hansard Translation Policy

Journals Translation

Private Bills - Report

Hansard Interjection Policy

Rule 35(5) Presentation of Address in Reply to

Throne Speech

Youth Parliament Incorporation

Rules book format

Subject matter of Bill 30

Other matters

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MR. CHAIRMAN: Order please. We have a quorum, gentlemen, the Committee will come to order.

There is a thick wad of material which has been passed around. I assume everyone has got a copy, if not, please indicate. It starts off with the Agenda, I assume that's acceptable.

We will proceed. Item No. 1 was a matter that was referred to . . .

Mr. Penner.

HON. R. PENNER: If time permits - well I guess it can come under "Other Matters" - I would like to raise the question of the further meetings of the Committee on some of the basic problems of the Rules, or at least a look at the Rules from the point of view of some of the suggestions that are currently being put into practice in the Federal House, just an examination of the way in which we structure the House business and the way in which we run the House business, not to do it today, but to perhaps look ahead a couple of months down

the road for an opportunity to begin that kind of an examination.

MR. CHAIRMAN: Fine, would you bring it up under Item 10 if we get there today?

Item No. 1, there was agreement between the two House Leaders that the matter of the translation booth and the guidelines for its use would be referred to a committee, and this committee seemed to be the appropriate one. There is some information on the second page.

Mr. Penner.

INTERPRETATION FACILITY

HON. R. PENNER: On No. 1 and the material contained on Page 1, let me first agree with the suggestion which is made with respect to the use of the facility; secondly, with respect to point (b), in terms of the extension of the facility, may I respectfully suggest that this might be properly a question for the Board of Internal Economy and that it should be referred there for discussion in terms of the Estimates for the House.

MR. CHAIRMAN: It was put in there for your information only.

HON. R. PENNER: Yes.

MR. CHAIRMAN: Anything further? Mr. Ransom.

MR. A. RANSOM: Just as a matter of record, Mr. Chairman, I think that the whole issue was a question for the Board of Internal Economy, and that the statement here saying that on December 1st responsibility for the Interpretation Booth was handed over to the Legislative Assembly by the Premier. It's always been my understanding that whatever goes on within the Chamber is the responsibility of the Legislative Assembly.

MR. CHAIRMAN: Anybody else? Mr. Penner.

HON. R. PENNER: Mr. Speaker, I disagree with the point made by Mr. Ransom. I think that certainly we accept that as a point of principle; it may be a question of the semantics. I think perhaps what the Premier was saying, not that he had arrogated unto himself responsibility for the running of that facility, but it had been installed by Government Services and, once it was installed, he acknowledged that it was up to the Legislative Assembly to then see to its functioning.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: Mr. Chairman, I realize it's put in as a figure of convenience, but the 24-hours written notice to be provided to the Speaker, I would hope that is

done in a flexible enough manner so that if someone was to have occasion to raise the point that they wish to make an address to the Assembly in the French language in the evening of one day, that that should be sufficient notice to be able to have interpreters available for the following afternoon or the following evening Session. The 24-hour notice is more or less a next day notice. I can appreciate if someone wanting late in the afternoon to give notice that they wanted to speak in the evening, it certainly wouldn't be impossible for that to take place and it could still be investigated as to whether or not there is someone available to do the translation in the evening Session, but that the 24 hours be interpreted rather than a strict 24-hour rule, to be an indication by the members that there is some difficulty in getting interpreters to be able to provide the Assembly with the service and that we try whenever possible to accommodate the members and their wishes. I guess a written note to the Speaker is certainly appropriate.

MR. CHAIRMAN: We always try to accommodate the members. The reason it's put in here is that on the first part of the Session, in December, this is the way it worked in practice. Those members wishing to speak in French would simply send me a note - it didn't have to be formal - but in sufficient time that I could send a note to the Translation Services asking them to provide someone to do the work. It's suggested that if that worked and it was suitable that we might continue it. However, if the Committee wants a change, now is the time to recommend one.

Mr. Santos.

MR. C. SANTOS: Following Mr. Scott, Mr. Chairman, I think we can add flexibility to the provision by inserting the word "normally" before "24 hours". It means that if it can be justified it could be less than 24 hours, but normally the practice will be as it has been in the past.

MR. CHAIRMAN: Mr. Sherman, did you indicate?

MR. L. SHERMAN: Yes, but it's on another point, Mr. Chairman.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: The point that you've made, I think, covers the issue if there is an issue, namely, that we do whatever is possible to accommodate the members. The suggestion of 24 hours is that we can't always be sure the persons who must do the interpretation are available and the 24 hours is a reasonable lead time. If somebody makes up their mind, as may well be the case, that they would like to give their speech in the French language at 2:40 the following day, then I'm sure that Mr. Speaker will endeavour to have the booth manned but can't guarantee it. In other words, it's the spirit of the thing but this suggestion of the 24 hours is to indicate the kind of lead time that we would like to have rather than to be the sort of formal rule that if you're one hour short you're not going to get an interpreter.

MR. CHAIRMAN: I believe this also recognizes that the interpreters don't work for the Department of

Legislation, they work for a different department and they don't come under the direct control of the House or the Speaker. So we are dealing with people who we are requesting to be there to do a particular job for the House.

If no one else wishes to speak, is that accepted?
Mr. Lecuyer.

MR. G. LECUYER: Mr. Chairman, I walked in a little bit late here; I just wanted a clear answer on that. Is this 24 hours a requirement, a mandatory requirement, or is this suggested? In other words, if I find out this morning that I'm going to speak today, does that mean because it's only this morning that I'm asking for it, that it won't happen?

MR. CHAIRMAN: I think that's why the matter is put before the Committee that you're one who gave me written notice in the early part of the Session and it worked well there. We're asking whether that is a satisfactory requirement or do we want to relax? Mr. Santos has said that normally would be 24 hours. If you want me to try on less notice than that, I will do so. I can't give you any guarantees. As I mentioned, we don't employ the translators; we cannot force them to be there; we can only request that another department supply the necessary people.

Mr. Lecuyer.

MR. G. LECUYER: Yes, I can understand that, and I can understand that it would be, I suppose, the ideal situation, that we ask as long in advance as possible, but if the interpreters are available, I wouldn't want just the fact that we had a rule of 24 hours before to prevent us from availing ourselves of the use of the interpreters. So on that basis, I would tend to go along with the kind of change that Mr. Santos suggests, that we put in there "would normally", or "it would be advisable that it be as soon as possible", or that we "give the lengthiest time possible of advice"; but I wouldn't want to see that as a necessary requirement that would prevent us from having use of the interpreters, especially if they are available and can be had.

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: Mr. Lecuyer would second it. I normally will put forth the amendment because it puts in writing what we intended.

MR. CHAIRMAN: Are you suggesting the word be inserted after the word "Chamber" and before "dependent"?

MR. C. SANTOS: Wherever it fits, Mr. Chairman.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, I have no particular objection to that, but I realize I can't move another motion at the moment. Mr. Santos's motion I presume is before us, but in speaking to that motion I would

think that the problem might be better addressed by substituting the word "reasonable" for that phrase and making it read "dependent on reasonable written notice being provided" because, if interpreters are available, one hour's notice may be reasonable. If they're not available, certainly one hour's notice would not be reasonable and I think that there would be a co-operative attitude brought to bear by all concerned as to what would be reasonable on a given day, in any given circumstance, and what wouldn't be.

So, without putting another motion on the floor, but in addressing Mr. Santo's motion, I would suggest that the wording that he has proposed does not really meet the problem and I would like the Committee to consider a different type of wording.

MR. CHAIRMAN: Mr. Fox.

MR. P. FOX: Yes, Mr. Chairman. I have a concern, although I do concur with some of the comments that have been made in respect to "reasonable" or any other wording that we want. I think this Committee has generally operated by consensus and we've tried to operate our Rules, when we're into a new area we try them out for awhile to see how they work. My main concern is that we are getting services from another area and so we can create whatever Rule we like - if we can't get those services, what's the point of the Rule? I would like to have some assurance that the Translation Services are being committed for Hansard Services before we start making any firm solid rules because you can put 24 hours there and if the other department says they don't have a translator, or they can't let you have one, what's the point?

I would like to have that clarified first.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: I would like to make two points I guess. First, I don't think there is a motion before us because the motion hasn't been seconded, and Mr. Lecuyer I don't believe can second the motion of the Committee because he's not a member of the Committee, so we are open to suggest any formal amendments that maybe Mr. Sherman had proposed . . . There's no such rule required.

HON. R. PENNER: No seconder is required.

MR. D. SCOTT: Oh, there isn't. Okay, if there's no seconder required then there is a motion before us. Excuse.

It is my understanding that interpreters are available on an automatic secondment to the Assembly from the Bureau they work with and normally they can be called up within 90 minutes. I understand they work over at Lombard Avenue, it's not a tremendous distance for someone to come over from. It's probably 15 minutes. If they are phoned they could be here if there is an absolute rush, but I would expect that when people are seconded to Legislative duty that that Legislative duty would preempt their other job responsibilities and if they are working on some form of translation that they would drop that to come over to interpret in the House.

There are some problems and I think Mr. Lecuyer addressed those earlier. The speaking order of the members is not very predictable. If there is something that comes up in the House, be it the House is going into a Matter of Privilege or once we get into Second Reading of debates, in particular, and if the amount of time between when one is intended to speak and when one actually gets a chance to speak, especially on bills when you don't know from day to day whether they're going to be called or not and if a member wishes to speak on a bill and the bill doesn't get called, there is not too much sense in him giving 24-hours notice that he's going to speak on say, Bill 15 tomorrow afternoon and Bill No. 15 does not get called the following afternoon. So we run into some logistical problems there and by using the words "24 hours" and the word "dependent" on it, I think it may cause some concern.

I would suggest that we go more towards a wording that "interpretation is available at any time during the sitting of the Chamber with reasonable notice provided to the Speaker".

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: Yes, I think there's a consensus here. It's much ado about nothing. We know that we have to give some notice so that the interpreters can get over. At one time, it was thought that one hour's notice might be sufficient. They can actually get over here and organize themselves in one-and-a-half hours. I think Mr. Sherman and Mr. Scott have suggested reasonable notice; I think that fits the point that Mr. Fox was making, that we try something. We don't have to get hung up on formalities, but we want people in the House to know that reasonable notice should be given. You can't stand up and start speaking in French and say, "Where are the interpreters?" It just won't work as a practical matter.

So instead of spending all morning on what appears to be a matter of general agreement, I would move, seconded, I take it, by Mr. Sherman, if he will, that it read as Scott just suggested, that "interpretation is available at any time during the Sitting in the Chambers upon reasonable written notice being given to the Speaker".

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: Before you offset the motion, Mr. Chairman, I withdraw the first motion because it cannot be that way.

MR. CHAIRMAN: Does the motion say during normal working hours, or does that include evening Sessions or Saturdays or whenever the House might be sitting?

HON. R. PENNER: I think, to maintain flexibility, rather than pinning it to the notice having to be given during a Sitting in the Chamber that it simply should read, and that would be the sense of my motion - I don't know if that's the sense of Mr. Sherman's suggestion - that "interpretation is available at any time upon reasonable notice in writing being given to the Speaker".

MR. L. SHERMAN: That's right. Saturday afternoon may be totally unreasonable.

HON. R. PENNER: That's true.

MR. L. SHERMAN: The term, reasonable, covers the point that . . .

HON. R. PENNER: It covers 6:00 a.m. Sunday morning all the more so.

MR. CHAIRMAN: Mr. Ransom.

MR. A. RANSOM: I'd like to make a point of order, Mr. Chairman, that's all. It is my understanding that this Committee has never operated on the basis of formal motions and votes; that it has operated on the basis of consensus and suggestions. Perhaps it's not necessary to get into that kind of formal vote-taking because presumably, if there is a motion moved, it can be either accepted with dissenting vote or defeated. I would prefer to see us work, if we can, by consensus.

MR. CHAIRMAN: Thank you for that observation. Since the proposed thought has been put before the committee seems to have the consensus of most of the members, can we adopt that? (Agreed) Thank you. Then we move on to the next item. Mr. Sherman.

MR. L. SHERMAN: Still on Page 1, on clause (b), does that imply a problem, or is there an implicit suggestion here that that issue is being referred to the Board of Internal Economy? Because if so, if it's going forward from this committee to be addressed by the Board of Internal Economy, I would like to suggest that the Committee prioritize the challenges in it. In other words, my point, Mr. Chairman, is that if there is any money available for this type of extended interpretation access and facility - and I'm not sure that there is, only the Government could answer that question - but if there is then I would suggest that Interpretation Services for the Press Gallery certainly take precedence over both the Public Gallery and the Loges.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: My first point is that I would have very strong questions to raise over the amount of the monies suggested here because I have been to conventions in the past where they pass out almost like a little transistor radio that is broadcast within the Chamber directly from the translators to those people and they certainly do not cost anywhere near that amount of money to provide them. They could probably be provided for a few hundred dollars of that service to the members of the Press Gallery, and the same thing provided for people when they go into the gallery up above, they could pick up one of these things, like some places you have to check hats and coats. Why not, before they go in, they could pick up one of these if required from the ushers in the Chamber?

So I think, Mr. Sherman, before we get in or try to deal with this specifically that we could look at other than hardware being installed; that there are other electronic means that one can provide translation

services both to the public, to the Press Gallery and to guests in the loges. So I would suggest that we look at other avenues before starting to try and target in or even referring this to the Committee of Internal Economy, or maybe in Internal Economy we can look at different methods that one can use to provide translation services.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: If, as seemed to be agreed, it's a matter for the Board of Internal Economy, well why don't we just leave it for the Board of Internal Economy and let those members who have some suggestions for the Board pass them on to the Board, rather than take up more time of this committee? We've got a heavy agenda.

MR. D. SCOTT: Agreed.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, my intervention was a question. Does this imply that this is going forward from this Committee as a request to the Board of Internal Economy to deal with those three facility extensions?

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: I share Mr. Sherman's concern because I would not want it to be a recommendation of the Rules Committee that we proceed with these installations and I wouldn't want the fact that it appears in the support papers to our Agenda to imply that.

We do not presently supply any sound reinforcement in the loges or in the gallery by means of personal listening devices. The only personal listening devices are available for members and for persons in the gallery. If we were to do any of this kind of thing, I think it should be extended only to those areas that currently have personal listening devices so it could be done at minimal cost, but I certainly wouldn't want to make that recommendation to the board now. I think we have to let the board and other members observe how the system works and how much use is made of it before we decide to spend any more money on it.

HON. R. PENNER: The press is bilingual now, English and broken English, depending on the occasion.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: There's one point that isn't mentioned here and that is the interpretation or the translation transmitted over the cable networks. I'm wondering if someone could inform me whether or not, when a person is giving an address in French, it is translated or goes out straight in the French language across the cable networks into the homes of people in the City of Winnipeg primarily or if it's the translator's voice that goes over the air.

MR. CHAIRMAN: It wasn't done in the beginning of the Session but changes were to be made to enable

it to be done. I'm looking at Mr. Young to find out whether it has been put in effect and he's nodding, so it is.

There is nothing else under Item 1. We move to the second item on the agenda.

Mr. Lecuyer.

HANSARD TRANSLATION POLICY

MR. G. LECUYER: I gather from the two paragraphs written here that the policy has been in the past that the language of Hansard has always been the language spoken in the House except on a few minor occasions as stated there. On the other hand, if we are introducing an interpretation service in the House enabling a member who's going to speak in French to also be understood, it would be a step forward there and two steps backward if we're not going to provide that kind of service in Hansard.

I know that I myself spoke in French only in the Debate of the Throne Speech and that speech was recorded only in French in Hansard. Now that does not make the words that I have spoken any more accessible to the Members of the House who then read the records, or to anybody else from the public who might be interested in perusing these records afterward. I know that the message or the words that are spoken and then interpreted are also registered on tape and I can't see why the recorded transcript of the interpreter's words cannot be used as a guide to the translators, thereby enabling a very quick turnaround and still providing the translated version of the French-spoken speeches in the House. I strongly urge this Committee to adopt that policy of providing both versions in the Hansards.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: I would agree, Mr. Speaker, that both versions should appear, but I just want to deal with the way in which, it seems to me, it should be done. The Hansard is and should continue to be a record of the words actually spoken. Now there's no problem with the French text and it will appear off the tape; the question is the translation of that. The interpretation which is given on the spot is not necessarily an accurate version; it's a nearly accurate version but it's not a completely accurate version.

For there to be an accurate version, there should be a translation of the actual speech given. Now that means in terms of the turnaround, to use Mr. Lecuyer's phrase - and we don't want to delay Hansard because there is some question already about delays - that the best way to go is as follows: namely, that what appears immediately in Hansard is the French text and that a day or two, it might be three days - not more than that - later there be appended to the particular edition of Hansard the English text as translated from the speech as actually given, and so that in Hansard of February 28 there will be - just using this as an example, obviously - a speech in French, perhaps with a note that the English version of this will appear subsequently. Three days later at the back of Hansard there is a translation of the speech given by Mr. Lecuyer on February 28th. Is there any difficulty with that?

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Thank you, Mr. Chairman. For many years the Assembly has operated on the basis that if a person wanted to speak in another language, if he provided as a courtesy the translation, it was printed as such. The actual language that was spoken never appeared in Hansard as such. If you spoke in German, it didn't appear in German, it was the English translation that appeared.

I suppose some of that is due to the phonetics. There are some phonetics in other languages that are not readily available on our standard keyboards and things of that nature. But throughout the entire process, it has always been the responsibility of the person that wanted to use another language to provide a translation. If he didn't want it translated, that was fine; it was his prerogative. And I don't see any reason what that should basically change now. If a person wants to speak in French, we will now print it in French. If he wants to provide an English translation for it, is that too difficult?

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: Mr. Chairman, I think we're dealing with something here that is quite fundamental really, in that we're not just talking about speaking in another language; we're speaking about another official language of the Legislative Assembly of Manitoba. I could take the record as Mr. Penner preferred, the record of the House even though it is not an official document of the House, but Hansard is the record of the spoken word in the House. The spoken word, if we were to pass in speeches that some people may have prepared, even though we're not supposed to read speeches in the Assembly, if we were to pass those on to Hansard to be put in in the English text, I suggest that an awful lot of them would be missing quite a bit about what was actually in the text and what was actually said on the floor. So, we should be treating the French language and the interpretation of that, or translation of that, in the English language the same as we treat the English language in the House, and that the actual words spoken should be recorded for the purpose of Hansard. We are speaking, again I repeat, as an official language of this province, it has been the official language of this province ever since the province joined Confederation.

There is some aberration in the interpretation of that until people had enough guts to challenge an earlier illegal act of his province, but we must accord the French language the same rights as we accord the English language in our Legislature. There may be some translation policies, in other words, of translating from English into French of all of Hansard which we are not geared up or do not have the capacity to produce at this stage; there could be some people, and there has been some argument that should be done as well. I do not think that is practical at this point in time, and I don't think there is really necessarily the demand for it either and until such demand rises we shouldn't be considering that aspect of it, but that's another avenue, another generation if you wish, of translation policy in the service of the two languages in the House. But, to think that we could accept someone's written speech

. . . When I get up and I speak in French, quite frankly my French isn't anything quite glowing in terms of accuracy, but I find it much more difficult to read French than I do just to speak off the top of my head in the language. I would not want to be encumbered by having to try and translate into good French what I said on the record, and my translation should be direct and it will indicate my lack of facility, I guess, in the language because the English translation would be quite broken.

That is, I believe, at least this is the way it should be presented to the House; that we should have first off, there is a speech that is given in French, it is printed in French; that French print is then translated into English and the English translation is printed in a subsequent issue of Hansard, probably as an addendum to the back page.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: Well, that point being made, and I agree, I have no qualms about that, that the spoken words are the words that should appear in the records afterwards, and I have provided translation copies when I have spoken in French, but even that is not usable for that very reason. But there is this very difference here in that if we have interpreters, and we have not provided interpreters when other languages have been spoken in the House, I realize that the interpreters words may not quite be exact in terms of what was spoken in the other language, but in order to help the translators I suggested that the transcript of the interpreter's words be used as a guide to the translators. I would assume that they would be 90 percent-plus exact or accurate in terms of what has actually been said. Using that to facilitate the translators task I can't see that would much delay the printing of the Hansard.

HON. R. PENNER: Why complicate it then?

MR. G. LECUYER: Well, I am not trying to complicate it, I am just trying to say that could be much easier than what we are saying or making it to be. I am saying that if we used the transcript that's been made of the interpreter's words I don't see that there is much difficulty in providing a written or printed record of Hansard in very short-time turnaround. Therefore, I say, why not go that route?

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, I think we're getting down to really an issue of principle, and that is, if a person wants a translation of what he has said, does he provide it or does it come automatically? Because, if it comes automatically, then what I say in English I may want translated into French; and if you go to a complete bilingual Hansard then you are looking at a brand new ballgame.

MR. CHAIRMAN: Mr. Ransom.

MR. A. RANSOM: Mr. Chairman, there's been reference made here to Hansard as the official record. I believe the term "official record" has been used, and it is my understanding that Hansard is not the official record,

that there are numerous things in Hansard which really don't reflect what was said. I recognize that each member occasionally takes the opportunity to correct things that appear in Hansard from time to time. I believe the Member for Inkster has done that on occasion and has occasionally taken quite a bit of time to do that as one looks at the real detail of exactly what was said and what subsequently appeared; most of us don't bother to do that. I know of situations in the past where something has appeared in Hansard and it served as the basis for a point of privilege and the member simply stood up and said, "that's not what I said" and the issue dropped there. So, in recognizing that really is what Hansard is, I see no reason why a translation of a speech given in French should be provided, why the simple words of the interpreter would not be adequate because that's what the other Members of the House hear, are the words of the interpreter. That's what we understand, those of us who don't speak French, that's what we understand to be the word of the person speaking.

It would seem to me then that the suggestion that Mr. Lecuyer made, I think it's the suggestion he made, that simply the words of the interpreter follow immediately upon the words of the speaker, and in that way it appears just as soon as the spoken word does, and that's really where people who follow Hansard would be interested in seeing it, not three or four days hence. If we get much beyond that then I do think we begin to open up the question that Mr. Graham raises about how far the interpretation translation policy is going to go.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: Mr. Chairman, I agree with Mr. Ransom that Hansard is not an official record, so what we are talking about is policy not legality, although it is very important policy now because presumably taping makes it possible; the actual words spoken, which appear on the tape, can appear in Hansard immediately in the language used. So what we're really talking about is what is the best way, as a matter of policy, for the translation to appear.

There are two possibilities. One is to have, as seems to be suggested, the interpreter's version of the speech; the other is to have an actual translation of the speech given. With respect to the latter, there is virtually no cost that is involved and we're talking about a half-a-dozen speeches a year. The translation facility is there; the translators are there. We're not talking about any cost at all that is appreciable. What you're talking about is the fact that, from the speaker's point of view, the English version of his or her speech will be delayed a couple of days.

The trade-off against that is using the interpreter's version. I am not going to be the one to tell my French-speaking colleagues on either side of the House what is best. If Mr. Lecuyer is speaking for the others and is willing to have the interpreter's version of his speech appear rather than the actual translation, so be it. That's the trade-off for a couple of day's difference. I would urge upon him to reconsider that position. I think he's mistaken, but I am not going to thrust my notion of

how it should be done down those who actually speak French.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: What I suggested is actually neither of those. I at no time suggested, and I don't want to go for a two- or three-day delay, nor did I suggest that it should be the interpreter's version. What I stated was that what actually happens now is, as I understand it, that the interpreter's version is recorded on tape, just like the actual spoken words are. I suggested that the interpreter's translation on tape be used by the translators, thereby preventing a two- or three-day delay because, inasmuch as the interpreter's version - and I wouldn't want to put that onus on the interpreter to be exact in terms of what was spoken - but I'm saying that the interpreter's version will be near exact. Therefore, if the translator has that tape he can within an hour or two, by perusing the speech that was made, satisfy himself that it is in accordance with the spoken speech in the House. It may require a few minor changes here and there and that is all that would be required of the translator, if he has access to the tape of the interpretation. So I don't see that would cause necessarily a two- or three-day delay.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: Backing that point up, Mr. Chairman, is that we are dealing here with professional translators. We are not talking about us in grade school trying to translate something that took hours and hours. They do it in other jurisdictions, principally in Ottawa. We have the translators basically on a call basis for the service. There is even such a thing now - and I don't know that we have the facility here but we could possibly buy one of the programs - for word processing translation of one language to another. In other words, you type in one language and the word processor can come back with a rough translation of that language in the other language chosen; in other words, in English in this case. Then the translator just runs through that and checks back where the machine doesn't follow the actual spoken word or the real path of conversations would normally be.

We are not talking, or shouldn't be talking, of several days delay. There is no reason, really, that this shouldn't be able to be done on the same day and that it come out the following day. Right now, it is not unusual for Hansard to come out four or five days after, especially when we're sitting both in Committee of the Whole, in committee here, and in the House. It is not unusual for it to be a several day delay. The delay caused by the French translation in that instance, I would suggest, would be no more. If you're going to spend two days at least getting the record of the House back, that is ample time for the translation because the translation is being done basically by different people than the people who are typing up Hansard. What you're doing is calling people to come in and provide a service that is complementary and simultaneous with the other service of provision of the traditional Hansard. So we should not be looking at the delays and I just re-emphasize that the translation should be a translation

of the spoken word, not of someone else's interpretation of what that word was.

Certainly, from listening to TV or if you have ever followed the debates in Ottawa when someone's speaking the other official language, the translator gives a summary of that speech; they do not give an exact translation of that speech. It is a summary of the speech, as it is being given simultaneously. So that is not, I don't believe, an accurate enough record for the purpose, both to give credit to the speaker and also to give credit to the record that Hansard, even if it is not an official record of the House as I have pointed out in my earlier remarks, it certainly should reflect a very high degree of accuracy of what is actually spoken in the House. So the time delay, I would just like to add once again, should be rather insignificant, if at all.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, pursuant to what Mr. Scott has said, first of all, we cannot compare our system to Ottawa's because they do not produce their Hansard from tapes. It is all taken down in shorthand personally. The tape is only a backup.

The second point, and this is one that maybe Mr. Lecuyer is not aware of, there has always been a crying need in this Assembly for the Hansard to appear as quickly as possible. I know, in four years that I had the responsibility, members would start to complain immediately if Hansard wasn't available. If it was two days late, they were crying, where's our Hansard. Hansard is generally produced, starting at three or four or five o'clock in the afternoon and going through the evening and the early hours of the morning, at a period of time when translators working normal hours are not available.

So, if Mr. Lecuyer was willing to accept the verbatim translation given by the interpreter in the Chamber, Hansard could be produced without any undue delay but if you want an official translator to check that, then you are delaying Hansard at least 24 hours because our word processing system is tied up during the daytime with other government work. So you're looking at, at least, a 24-hour delay on Hansard, if you want the official translators to check the interpretation of the interpreter. That's just a question of the logistics and it's something we have to look at. There has to be a trade-off someplace. You are either going to lose time, for the sake of maybe a two- or three-word change that an official interpreter would give.

We have to look at this quite seriously and I doubt if members would be too happy with a 24-hour delay on the arrival of Hansard on their desks for that type of accuracy to occur when it's not an official document anyway.

MR. CHAIRMAN: Mr. Lecuyer.

MR. G. LECUYER: I don't want to cause unreasonable delays but I can recall last year, when we were in the Estimates for instance, that Hansard was coming to us at any rate sometimes three days late, three days after the actual sitting. I've seen that happen most of the time we were sitting through Estimates.

I am not sure. I think that it wouldn't cause any delays on the basis of the suggestion made. Perhaps we should

get some advice here from the Translation Bureau, if that translation actually does speed up the process. I suggested that if the translators have the transcript of the interpretation, it would greatly speed up the process and some are suggesting that perhaps it would not.

Now I would like to know if I'm right or wrong in this case. Can we get some input here from the Translation Bureau?

MR. CHAIRMAN: Do you want to rephrase or repeat your question, Mr. Lecuyer, please?

MR. G. LECUYER: My question was whether, if the Translation Bureau have access to the transcript of the interpreter's words and at the same time, of course, they have the actual recording of the French speech because that is what would then automatically go in Hansard, comparing the two, would that not speed up the process, rather than requiring that they start from zero and translate from the French speech into the English version.

MR. CHAIRMAN: Mr. Martin.

MR. A. MARTIN: I think if we were requested to translate, we would, at the outset, attempt to use the tape as a kind of guideline. It would speed up the process, not tremendously, but it would be a great help. The basic problem will not be use or nonuse of the tape, but rather getting the tape, both versions, interpretation and source language, to the translator as well as getting the translation typed and then the end product returned to Hansard Services.

MR. G. LECUYER: I am still not sure if you're saying that it's going to cause a major amount of delay or if it's going to greatly speed the process.

MR. A. MARTIN: It would greatly speed up because, as compared to other translations, you have an attempt at translation already being made. You have a rough draft, if you want, of the translation and you have to listen to it.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Through you, Mr. Chairman, to Mr. Martin. Does your Translation Service operate on a 24-hour basis or a normal working day?

MR. A. MARTIN: A normal working day. Those are the little complications I wanted to refer to a little while back. You have a translator who normally would leave at 4:30 and we are advised at 3:00 in the afternoon that French will be spoken tonight. So, therefore, he has to stay at the office until whatever time the tape gets there to be translated, but he would be advised at the same time as the interpreter. That's why it is important at this time to not dissociate the two, the oral interpreter and the written translation.

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: A further question. My understanding is that we have two options, complicated

with an amendment into a third option for Mr. Lecuyer. I guess my question is this. Do you see us being able to provide to Hansard, I think sometime before 8:00 a.m. the next morning - which is the normal deadline for Hansard going to Queen's Printers so it can be in the House that same afternoon - do you see us being able to provide, if we want both French and English in the same issue of Hansard on the same day it was spoken, that translation service into English by 8:00 a.m. the next morning? Is that logistically possible using current resources without going to great expense and putting on a graveyard shift of translators or whatever?

MR. A. MARTIN: Using current resources, it would not be easy. There would be some expenses incurred because you have to think of overtime and, if the French spoken was spoken in the evening, it might be difficult. We thought that ideally, if requested to do so, a 24-hour delay. We would try to accommodate that with existing resources.

MR. A. ANSTETT: If you were asked to do it to be published in a subsequent issue, either the next day's issue or the issue two days later, would there be logistical problems then?

MR. A. MARTIN: Not half as great and there would be small problems for producing it in the next issue, but I think we could overcome that fairly easily.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: Mr. Chairman, Mr. Anstett has asked my questions and I am satisfied with the answers given.

MR. CHAIRMAN: Are there any other questions of Mr. Martin? Then I thank you.

What's your will and pleasure? Mr. Penner.

HON. R. PENNER: I really haven't heard any opposition to the notion that the translation of the French speech as given should appear as soon as possible. Now that sounds like motherhood almost, but that's really all we can agree to. We are advised that it may speed up the process considerably. If the translator uses the available interpretation text, so much the better. But I would feel that, if it's a matter of a day's delay not of Hansard, but of the appearance of the English version, then that's the way we should go. That seems to me a happy kind of saw-off; that is, that Hansard continues to appear in the normal course and that, if you can get the translation in that day, fine, but if you can't then there will be a day's delay. So what are we losing?

MR. CHAIRMAN: You have been describing the present policy, the way it's worked. Am I assuming that that is to continue?

HON. R. PENNER: No, there is no translation now. I am asking for a translation, but that Hansard not be held up pending that translation.

MR. CHAIRMAN: Okay, there is no translation now because Hansard doesn't have any translators. It's a matter of somebody translating for it to go into Hansard.

Whether it's the member himself who says to Translation Services, translate this, or anybody else or whether Hansard says the same thing, you still get a translation of what is said to go into Hansard as it does.

Mr. Fox.

MR. P. FOX: The point is that there is a translation taking place simultaneously in the other language and that is the issue that we would like to have printed.

MR. CHAIRMAN: That's not what I had heard other people say. Mr. Lecuyer.

MR. G. LECUYER: I thought Mr. Penner had put it across quite clearly and I am quite agreeable with that. If I heard him correctly, he said that wherever it's feasible and reasonable, both the French text and the translation would appear, if that is feasible, in the same copy of Hansard; and if that were to cause any unnecessary delay then the translation would appear on the subsequent copy of Hansard and I'm quite agreeable to that. We, inasmuch as possible, don't want a delay and I agree with those who have said that members like to receive their copy of Hansard as soon as possible. That is the case with me and any other member I would assume, and I don't like to see any unnecessary delay as well; but where it's feasible to have both versions in the same copy, fine, I would like to see it that way. If it's not, we shouldn't cause any delay to see the translation, therefore, the translation should wait to appear in the next copy with a little note saying that it will appear in a subsequent copy. Thank you.

MR. CHAIRMAN: Anybody else?
Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, I take it that the question being asked in the last line on Section 2 of the papers in front of us is being addressed by this Committee with an answer in the affirmative, is that correct? Because it's that question that we were dealing with, and I take it the consensus of the Committee is to answer that question in the affirmative. Should the policy be changed accordingly? Yes. Is that the consensus of the Committee?

MR. CHAIRMAN: I'm really not sure what the consensus is, if there is one.
Mr. Anstett.

MR. A. ANSTETT: Mr. Chairman, I think we're addressing two questions. I think right at the beginning it became clear that members were agreed that the Assembly and the Government would bear the responsibility for providing translation of speeches made in French into English and have those printed in Hansard. I got that impression we were agreed on that. I thought we were discussing only then the logistics of in what issue and under what conditions that translation was done and printed. But certainly, I can't speak for all members on the Committee, but I would certainly suggest, yes, that the Legislative Assembly bears a responsibility for getting the translation done and that the translation appears as soon as possible, if possible in the same issue; if not, in a subsequent

issue, and that that be the policy. I haven't heard anyone speak to the negative on that since we've arrived at that position.

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Well, I'm perfectly satisfied with that, Mr. Chairman. I'm not debating the point, I'm simply asking whether that is the consensus at which the committee has arrived, and the answer is, yes.

MR. CHAIRMAN: If that is agreed we'll move on to Item 3. (Agreed)
Mr. Anstett.

JOURNALS TRANSLATION

MR. A. ANSTETT: Mr. Chairman, the notes indicate that the following alternatives are being studied and are offered for comment. I think a valuable piece of information before I can comment very much on these options would be to know what the costs are?

MR. CHAIRMAN: That's one of the things that's being studied.
Mr. Penner.

HON. R. PENNER: I'm making an assumption which will have to be borne out or not, as the case may be, subsequently that we're again talking about very very minimal costs. The number of occasions on which we'll have to even contemplate a bilingual single Votes and Proceedings, unless you're talking about complete translation all the time, I'm not sure what is being proposed.— (Interjection)— I see, yes, you're talking about a completely bilingual version each and every day as option three. Well, then let me just pose a question. You say it is being studied. By whom is it being studied, by the Translation Bureau?

MR. CHAIRMAN: By the department and others.

HON. R. PENNER: Well, perhaps we ought to really wait on that until we look at the costs.

MR. CHAIRMAN: It's put to you for information and to see whether the Committee has any recommendations as to the best way of accomplishing it.
Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, I would like to ask a question of the Clerk. Am I correct in my assumption that at the present time Votes and Proceedings go to the printer at approximately 8:00 or 8:30 in the morning? Is that a correct assumption?

MR. CHAIRMAN: Mr. Mackintosh.

MR. G. MACKINTOSH, Assistant Clerk: They go to the printer after the sitting, whether it be 5:30 or 10:00 in the evening. I don't believe it's printed, however, until about 5:00 a.m. A draft copy then comes back to the Clerk's Office about 8:30 a.m.; corrections are phoned in about 9:30 a.m. So, therefore, the final print is made

at approximately 10:00 a.m. and arrives in the Clerk's Office usually no later than 1:00 p.m.

MR. H. GRAHAM: Well then, Mr. Chairman, if we were to have a translation to appear as a single Vote and Proceeding, a single copy with French and English incorporated, we would almost require overtime work by the Translation Department to have them work in the evening after the House has completed its deliberations. I feel that would be a rather expensive procedure and I wonder whether it would not be advisable to consider a separate printing of the French which would be 24 hours later.

MR. CHAIRMAN: Thank you. Anybody else?
Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, I'd like to ask the Honourable Mr. Penner, the Attorney-General, for a legal interpretation of Section 23 of the Manitoba . . .

HON. R. PENNER: I'm flattered by that request but it is both out of order and impolitic since there is a case involving the legal interpretation to be given to Section 23 coming before the Supreme Court, but I'll give you a non-legal opinion and the non-legal opinion is that we are required by Section 23, which is now held to be the constitution of the province, or part of the constitution of the province rather, to in fact translate the Records and Journals, and Votes and Proceedings arguably is a record of the House. It appears in fact now the Journal, in a sense although not technically different, is a collection of the Votes and Proceedings, so if you're going to have it end up in the Journal then you might as well do the Votes and Proceedings. It ends up in the same way in any event. The question that I posed initially was not whether or not we should have a French version but which is the cheapest way of doing it?

MR. CHAIRMAN: Mr. Sherman.

MR. L. SHERMAN: Mr. Chairman, I thank the Attorney-General for his careful response. My question is whether, in view of the Attorney-General and the Government, the requirement that both English and French shall be used in the respect of records and journals, etc., implies that both languages shall be used equally. Obviously, there is an acknowledgement and a willing acceptance of the fact that the two languages are the official languages of the province and the country and any member can use either language in the Legislature. But, what I would like to know from the Attorney-General is whether the stricture or the requirement contained in Section 23 applies to all the technical aspects of the use of the two languages?

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: Again, Mr. Chairman, this is not a legal opinion but it would be my view that the requirement is a requirement for the concurrent or simultaneous production of Votes and Proceedings in both official languages. Now that can be in either Option 2 or 3. That is, you can have separate French and

English Votes and Proceedings with the French to be available as soon as translated which is almost concurrent or simultaneous; or 3, if in fact, logistically it can be done such that it arrives on the members' desks by 2:00 p.m. each day, and it seems to me that given the sparse nature of Votes and Proceedings, that ought to be possible. Then assuming the cost as between 2 and 3 is about the same, then that would be the preferable way to go.

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: Mr. Chairman, I am certainly not inclined nor expert in terms of giving a legal opinion and the Attorney-General's unwillingness certainly makes me nervous, but the underlined phrase gives me some concern as to whether or not Option 1 can even be followed. If legally we can follow Option 1, I suspect Option 1 would be by far the cheapest. There would be no pressure for immediate translation for inclusion in Votes and Proceedings the next day.

Now, of course, the argument that is relevant to that is whether or not Votes and Proceedings are a record of the House and being a record, whether or not, as Mr. Sherman suggests some equality in the treatment of the two languages has to be given. But certainly it would be fairly easy, it would not place a great deal of pressure on the system to provide that after the appearance of the English Votes and Proceedings, the translation could take place such that we could have simultaneous publication of both a French and an English Journal. I suspect that that would be far cheaper than providing for either 2 or 3, which would require instantaneous translation for publication of the Votes and Proceedings, but I don't know whether legally Option 1 can even be seriously examined. I think that's the question we have to look at because otherwise if we're concerned about cost, I think Option 1 is the route we probably have to go.

HON. R. PENNER: I wonder if we could have Mr. Martin answer a question through you, Mr. Chairman?

MR. CHAIRMAN: Mr. Martin, will you take a mike please?

HON. R. PENNER: The page which I have shown you and the following one page-and-a-quarter is fairly typical of Votes and Proceedings. Just looking at that in terms of the volume of the text, what is your view as to the amount of time it would require to translate that amount of text?

MR. A. MARTIN: This particular page if done . . .

HON. R. PENNER: Well, the page and the next page, that constitutes - you see, that's one day.

MR. A. MARTIN: Yes, once a translator has familiarized himself with what we would call parliamentary terminology this could be done fairly rapidly, these two pages, within the hour or a little bit more.

HON. R. PENNER: Those are my questions, Mr. Chairman.

MR. CHAIRMAN: Anybody else? If not, shall we go on to the next one, Number 4?

Mr. Anstett.

MR. A. ANSTETT: Mr. Chairman, one more question for Mr. Martin. Would it be possible once the translation staff had familiarized themselves with parliamentary language that that familiarization could be passed on since the language is very standard, and Votes and Proceedings could be produced in the Clerk's Office with just a proof by the Translation Bureau and nothing further? Is that possible, or is this going to require direct input from the Translation Bureau every day if we do it during Session?

MR. A. MARTIN: I think it would require direct input from the Translation Services because, in essence, what you would need in the Office of the Clerk is a translator not just a person who has some idea of both languages. You will be constantly faced with names of Acts, for example, and seeing we are translating the Acts the official French appellation has to appear and the only people who have this appellation are, of course, the Clerk of the House and Translation Services. Although relatively simple as translation work once a person has used it, that type of document is what we would refer to as quasi-legal translation.

MR. A. ANSTETT: So, you are suggesting then that someone from the Translation Bureau would have to attend at the Clerk's Office every day at the end of the sitting to do that translation, or that the final draft in English would have to go to the Translation Bureau after normal working hours to be translated and sent to the printer so that the proofs could be done at 5:00 a.m. or whatever time it is that Mr. Mackintosh suggested they are printed.

MR. A. MARTIN: Yes, it would be a matter for us of deciding what the ideal situation is. While I do believe that initially, whether it's done by us or in the Clerk's Office, in the latter case it would be done by translator seconded, I feel, to the Office of the Clerk for the duration of the Session.

But again, you mentioned after normal hours, and do keep in mind that you are now studying three questions which should be looked at in the global sense. You have mentioned after normal hours for interpretation, for translation of the interpretation and for translation of Votes and Proceedings. We have to start putting the three together and see what . . .

MR. A. ANSTETT: I appreciate the point you're making. My difficulty with that is that we know the use of French for interpretation and translation in debates is fairly exceptional. The use we're now talking about is a regular daily use that, as you suggest, may well require secondment of staff to the Clerk's Office for one hour a day or whatever. I am not sure what the commitment is. I think that's part of the study.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Mr. Chairman, I think we're looking at maybe two questions. The first question is whether

a single Votes and Proceedings be published in both languages, or whether we have a separate one in English and one in French. The second question is whether we want the English one and the French one to appear simultaneously, or whether there's a possibility of a 24 hour delay in one. Those are the two questions that I see we are facing right now.

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: Mr. Chairman, I would a third question because I think Option 1 may well be a viable option and that is, a fairly significant delay in the publication, much more than 24 hours. In effect, we don't publish Votes and Proceedings in French, but publish only the Journals in French. If that option is possible, I think it would certainly be the most cost-efficient one although we don't have the details on that.

Legally, we have a problem. I don't know who is going to give us the answer to that. Maybe only the Supreme Court would be prepared to do it. I'm not sure we want to ask them, but if we could publish only the Journals and get away from having to translate Votes and Proceedings every day or every day 24 hours delay, we would get away from a much higher cost.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: Mr. Chairman, I don't think we are being terribly creative in looking at these. We have, in the Clerk's Office, an Assistant Clerk who I have a lot of confidence in. We have another employee in the office, Carmen DePape, who certainly is bilingual, who has been with the House now for a few years and certainly knows the whereabouts of how the House works and why, with a person with her abilities working along side the Clerk and Assistant Clerk, that couldn't be produced simultaneously is somewhat beyond my comprehension.

We have to be looking at everything, as everything that's bureaucratic is fixed in stone and we can't change any directions or get people doing different jobs within an office, and why there isn't every possibility that Vote and Proceedings, in particular, could be coming out of the Clerk's Office right now with some coaching for a little while from people from the Translation Bureau and also within the Clerk's Office. I think that is a possibility that no one's even talked about yet. We have people with the capability and I just don't see why we are wasting so much time talking about ourselves, you know, discussing this instead of just referring it to the Clerk's Office and seeing if something can't come up within the mechanisms they already have and the people they already have in place.

MR. A. ANSTETT: Mr. Chairman, I share Mr. Scott's confidence in the staff of the Clerk's Office and that's exactly why I asked M. Martin the question I did, but his answer indicates that the suggestion of Mr. Scott just isn't possible. We have a fairly detailed semi-legalistic document that we're talking about, an official document of the House, where exactness in interpretation for legal purposes is important. I don't think the Clerk's Office should be burdened with the obligation and responsibility to do something that

requires years and years of sophisticated training in this kind of translation.

The Attorney-General, I'm sure, can advise Mr. Scott and the Committee of the difficulty and the premium price that is paid for these kinds of people when we start talking about legal translation. I know Mr. Tallin still has his hair, but he's been trying to pull out some of it for the last couple of years over the problem of getting people qualified to do this. I think the suggestion that the fact that someone is bilingual and works in the Clerk's Office is suddenly now capable of doing this is something that we should all be very wary of.

MR. D. SCOTT: Mr. Chairman, most of this is mechanical. The biggest problem they're going to have is putting an 'l' in front of honourable for printing the names and the bills and whatnot, translation of them. But I don't think it's an impossible alternative. I am not saying it can be done automatically, but it is something that we should be looking at and check out the feasibility of doing it and perhaps giving some training to the people in the Clerk's Office, to Carmen in particular, in that area so that she gains some of the expertise that we are hiring outside currently.

PRIVATE BILLS

MR. CHAIRMAN: Is there any further comment? If not, let's move on.

Item No. 4, the Private Bills, there is a report that you asked for at the last meeting and Mr. Tallin has been very busy on it and produced quite a thick wad of material. Mr. Tallin, would you like to speak to it?

MR. R. TALLIN: There is a preliminary note to this which I think explains the main changes. What we were trying to do was make the private bills procedure simpler. Although the report indicates changes in Chapters 10 and 11, as well as the private bills chapter, the reason for that is to try to make the petitions section cover those portions of what was previously in the private bills chapter that dealt with petitions, and to make the proceedings on public bills, which is presently Chapter 11, apply to all bills except where there was some special provision in the Private Bills section. So there are a number of minor changes in the petitions section, three or four minor changes in the proceedings on public bills chapter which would become proceedings on bills, and a number of relatively important changes in the private bills section.

I don't know how you wish to proceed. Do you want to go through the provisions clause-by-clause and compare them with the existing Rules and perhaps have explanations as to what the differences are?

MR. CHAIRMAN: Mr. Ransom.

MR. A. RANSOM: Mr. Chairman, in view of the fact that we have just received this material as we come before the Committee, I think it would be advisable to have Mr. Tallin take us through clause-by-clause and explain the changes that are recommended.

MR. CHAIRMAN: Is there anyone else?
Mr. Penner.

HON. R. PENNER: I would support that suggestion and follow it up with a further suggestion that after Mr. Tallin takes us through and subject to any questions that anyone wants to ask, we then take this as notice, as it were, and give members a chance to consider what is being proposed and come back to a subsequent meeting of the Committee to finalize.

MR. CHAIRMAN: If that's agreed, Mr. Tallin.

MR. R. TALLIN: We'll start with Chapter 10 then, going through section-by-section; 81(1) is essentially what's in the chapter at the present time. It is mingled a little bit with the provision that was in the private bills section, but this would require filing of the petition 24 hours before the presentation. At the present time, there is no limit of 24 hours; it's just that you must file it before presentation. However, the Clerk has to do some research work on the private bills petitions and you would have to see that the advertising has been properly completed before the petition could be presented. So we thought that a 24-hour time limit before presentation would be reasonable and fits in with the other kinds of things that go on notices. You must have notice before you introduce bills or resolutions.

Now the member would be responsible for making sure that the petition was filed. Actually, the petitions are sponsored by individuals or corporations and they would, therefore, have to find some member to sponsor the petition. One of the difficulties is that, in parts of the Rules at the present time, it looks as though the individual is the person who is dealing with the Clerk of the House and that sort of thing and really it should be the member.

We added the note there just to make it clear that some member must be really sponsoring the petition - I'm sorry, not sponsoring it necessarily, but willing to present the petition - that it's the responsibility of the person who's interested in having the petition presented to find the member not the responsibility of the Clerk of the Assembly.

81(2) is essentially the same as in the present Rules; and 81(3) is essentially the same; 81(4) is the same; and 81(5) is essentially the same.

MR. CHAIRMAN: Mr. Graham, do you have a question?

MR. H. GRAHAM: Mr. Chairman, on 81(4) if it turns out that there is some improper material or matter in the petition, is there any penalty on the member?

MR. R. TALLIN: It's just that he would be the person responsible for having put it in and presumably he would be the one responsible for withdrawing it. That section is presently in the petition provisions of the Rules.

MR. CHAIRMAN: Mr. Fox.

MR. P. FOX: Mr. Chairman, I would imagine - maybe I'm wrong or going on a wrong assumption - that we always, any of us, usually get Legislative Counsel to assist us in drawing up these things, or probably the Clerk's office as well, and I'm sure that they would find all these little imperfections, if there are any, in whatever regards.

MR. R. TALLIN: Well, I usually see the bill. I do not always see the petition. Particularly I wouldn't see a petition that did not deal with a Private Bill, for instance.

MR. P. FOX: Who makes them up?

MR. R. TALLIN: The person who wishes them presented, the individual or the group that wishes them presented.

I think it should be pointed out that the petitions chapter of the Rules does deal with petitions for purposes other than presenting a Private Bill; they deal with general petitions as well.

81(6) is taken from the Private Bills part. It was not in the petitions part before but it seemed to me - I don't know whether my opinion is shared by the Clerk and the Assistant Clerk - that there should be very little difference between a petition for general purposes and a petition for a private bill and therefore, with a minor change, the form that is presently in the Rules for purposes of a Private Bill could be used for general petitions, and it also seemed to me that if you're talking about the form of the petition, whether it's for a private bill or anything else, it should be in the petitions part, not the Private Bills part.

MR. CHAIRMAN: Mr. Anstett, do you have a question on that?

MR. A. ANSTETT: Yes, for Mr. Tallin. Is there any reason why we should retain Petitions for Private Bills?

MR. R. TALLIN: Well, it seems to me that a Private Bill is, of course, something that a particular person is requesting. If it's not brought in by a petition because of a particular request made to the House, I don't know how you would distinguish it from a public bill. For instance, there is nothing preventing you, as a citizen, bringing forward a bill for the assistance of Mr. John Doe that he get some special provision under the law changed for him, and he may not be petitioning that, but you can bring it in; in that case it would be a public bill. The difference is that bill is brought in because he is asking for it on a petition.

MR. A. ANSTETT: I'm not completely clear on the distinction because I, perhaps erroneously, have always assumed that private bills, particularly those dealing with additional powers that can't be obtained under The Corporations Act or Acts for the relief of individuals usually relating to Statute of Limitations provisions or similar types of bills incorporating colleges or whatever, are private more because of the nature of the legislation required, and that's what make them private bills, not the fact that they were brought in by a petition; whereas a public bill relates to all Manitobans and relates to public business in the sense of amending a public statute, the only possible conflict between private and public bills might be Acts for the relief of, which provide an exemption for a specific period of time, usually from the Statute of Limitations. That would be the only case where it might be construed that there is some possible confusion as to whether it's public or private, but usually private bills are very much private in nature and I'm not sure that they become private just because there's

a petition attached to them. I guess it's that distinction I'm having trouble with.

MR. TALLIN: In Manitoba, many years ago, they split off the municipal bills so that they did not have to be brought in by petition, they are called public bills in Manitoba; in many other jurisdictions municipal bills are private bills. Now, that's one area of distinction.

Also, there are a number of Acts in our public Acts passed over the last many years which deal with only one individual, but they are nevertheless public Acts because they were not brought in by petition. For instance, I think in the mid-40s or early 50s, sometime in that area, there were two bills brought in to extend the period of limitation for making applications to the Workers' Compensation Board. Each bill dealt with a single application by a single workman, but those are considered as public bills.

There was also a public bill introduced in the mid-30s dealing with a series of particular oil and gas leases that had been entered into by Prudential Trust on behalf of an oil company. That Act has always been considered as a public Act, but it varied the terms of those particular leases affecting only the lessees and the lessors of those leases, and that has always been considered as a public bill and was not introduced on petition; it was introduced after pressure had been brought on the Government, but not by way of petition.

MR. A. ANSTETT: Well, then, Mr. Chairman, my question would be, is there any advantage to retaining the petition since the examples Mr. Tallin cites show that there has been some crossing over of the line between public and private bills in the past and we have what appears to me to be a relatively archaic mechanism for getting private bills before the House.

MR. R. TALLIN: One of the things is, how would you distinguish which bills had to pay a fee if they all now become public bills? Another one is, I don't necessarily think it's archaic to force a person who is wanting some special provision to come forward and ask for it.

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: I suggest that the fees normally attached to private bills, certainly those fees that relate to the larger amounts relate to incorporation, expansion of Capital authorization, that sort of thing could still be charged even if the bill was categorized as a public bill. But, I am not sure that we have to necessarily not differentiate. We could still call some of those bills private bills, but not have them come to the House by way of petitions.

MR. R. TALLIN: Then, how would they come before the House?

MR. A. ANSTETT: The same way any other bill does, the same way they do now. A member still has to introduce the bill for first reading.

MR. R. TALLIN: A person can introduce a private bill for discussion and I don't think has to lend his weight to it. He has to only be sure that it doesn't infringe

the general Rules of the House and the practice of the House. He doesn't have to put his own sponsorship behind it and he doesn't even have to vote for his own private bill. I think if you don't have that distinction that this is a bill that is being introduced by a member because a particular person has requested it, the member must then take the full responsibility for supporting the bill at any time.

MR. A. ANSTETT: Fair enough.

MR. CHAIRMAN: Proceed, Mr. Mackintosh.

MR. G. MACKINTOSH: I feel I should add, this topic was the most contentious amongst the study group, and certainly there was no unanimous decision on the part of whether we should retain the petition or not. However, for the information of the Committee, two other provinces are currently studying recommendations to eliminate the petition. Quebec already has eliminated the petition for private bills and we thought, for our recommendation, perhaps we should wait to see the experience of the other provinces, given that certainly our recommendation was not unanimous in its development.

MR. R. TALLIN: 81(7), I forget whether that came from the private bills part or the petition part - I think probably the petition part.

MR. CHAIRMAN: Mr. Ransom.

MR. A. RANSOM: Before you go to 81(7), on 81(6) was there some specific reason for changing the form to "shall be in writing" when the other one said "written or printed"?

MR. CHAIRMAN: Mr. Tallin.

MR. R. TALLIN: I have always considered that writing includes a printed form of writing as well as a handwritten form of writing and I saw no particular advantage to saying "written or printed" here where in among other places in the rules it says you must give "written notice" of something and obviously that includes a printed notice.

81(8), I believe is a provision in present Chapter 10, and 81(9) is similar to 81(8) of the present Rules, except that this puts an onus on the Speaker to report to the House on whether, in his opinion, the petition in any way breaches the practices and privileges of the House, and if he reports that it does not, then it is automatically deemed to be read and received, but nevertheless it can be read aloud in the House if the House requires it, which would be on an ordinary motion of the House, I presume. I don't think in the history of anybody's memory has anyone ever actually read the petition in the House although the present Rules require it to be.

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: Mr. Chairman, I have one concern about the change. We don't have a lot of private bills, but in any one Session we could have a fair number; there have been Sessions where we've had up to a

dozen. That the Speaker must in every case, in effect, report to the Assembly - would there be anything wrong with changing it so that the Speaker only reported if he considered there to be matters in breach of the practices and privileges of the House or noncompliance of the rules, rather than requiring him to report every time?

MR. R. TALLIN: It is funny you should say that because the Rule that we took this from - I think it was the federal Rule - requires the Speaker to report only if it's a positive report saying that there is nothing breaching.

MR. A. ANSTETT: They've been wrong before.

MR. R. TALLIN: Yes, I know.

MR. A. ANSTETT: Our present Rule is the same as the federal Rule. If, in the opinion of the Speaker, the petition does not contain matters in breach of the privileges, it may be received, but we don't have the Speaker report on that. We assume that if the Clerk arranges for it to be received that the Speaker said it's okay.

I think it would be more sensible to only require the Speaker to file such a report if there is a breach.

MR. CHAIRMAN: Mr. Santos.

MR. C. SANTOS: Thank you Mr. Chairman. I think we should have the same Rule as the House in Ottawa. Otherwise you will not be able to experience precedents and make use of precedents whatever it may be in this House. For the sake of consistency, it might be better to have the same Rule.

MR. CHAIRMAN: Mr. Tallin.

MR. R. TALLIN: Well, it might be. I think that the practice in the House of Commons is quite different from the practice here, and therefore perhaps the Rules in this case should not necessarily be the same.

I rather favour the suggestion made by Mr. Anstett that the Speaker be required to report only where he thinks there is a breach of the Rules or the practices and privileges of the House, and if within 24 hours of the presentation he doesn't so report, it shall be deemed to be read.

MR. CHAIRMAN: Mr. Graham.

MR. H. GRAHAM: Well, Mr. Chairman, I understand we are going to have another meeting on this at a later date. Could our Legislative Counsel redraft 81(9) on that basis?

MR. R. TALLIN: 81(10) is just an amplification of what is presently there in the Rules relating to debate on receiving. If it is going to be deemed to be read and received without any vote, it seems hard to understand how a debate would arise in any case. But I think the purpose of this is to indicate a debate can be mounted on some kind of a resolution dealing with the subject matter of the petition.

The next section deals with . . .

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: I have some concerns about 81(10). I realize it is, for all intents and purposes, identical to the practice that we presently have. But where we have a petition which is not a petition for a bill, which is something I haven't experienced, it certainly hasn't happened in the last ten years but I am sure it happened in the past and I know in Queen's Park there is fairly regular occurrence of the filing of petitions with regard to grievances by groups of citizens.

I am not clear that in 81(10) we've established a mechanism. If anything, Mr. Tallin's comment that then the House would proceed to debate that by virtue of a Private Member's Resolution, I am not sure that is the most appropriate vehicle. Maybe there is another vehicle that allows the public to petition the Legislature and occasion a debate without relying on a private member to bring in a resolution, particularly since most private members don't bring in resolutions unless they've caucused them, which implies then that they must have the support in this House of one of two caucuses. I am not sure the public access, by way of petition on matters other than private bills, is enhanced by 81(10).

MR. CHAIRMAN: Mr. Tallin.

MR. R. TALLIN: I don't think necessarily it is enhanced, but the petitions may relate to something which can be brought forward for debate in a number of ways; one, by a Private Member's Resolutions or by even a Government Bill. For instance, the nature of the petitions that occur in the House of Commons, I believe, are primarily on public matters such as the death penalty, questions of abortion in the Criminal Code and that sort of thing. Now they may be addressed in the House during the term of a Session because of amendments that were brought forward to particular Acts and bills.

I think the purpose of this is that somebody may be petitioning the House for some particular grievance that doesn't come into the normal type of routine by way of legislative change or something which would normally be dealt with on a Private Member's Resolution and somebody says we should debate that matter immediately. Now how they do it, I don't know, other than by either allowing them to discuss, which is a very broad term and I don't know how the House gets to discussing something which is not in the form of a motion, or by a particular motion. I suspect that what is intended here is that someone could actually raise a discussion on some type of a presumed motion to receive the petition.

MR. A. ANSTETT: You have hit the nail right on the head, very succinctly, better than I did. What's the vehicle? It's not in here and yet this appears to allow something for which we have made provision nowhere else. If we're going to allow it, then we must also make provision for it since there is no other provision. I think that is inadequate as it's presently set up. I don't know where we want to go with this. I am not sure we want to get into the ballgame of hearing and discussing a

lot of petitions that don't relate to private bills and ending up having debates. It could be a mechanism that would end up being abused a great deal. I don't know what the vehicle is, but I think we are missing something here.

MR. CHAIRMAN: Mr. Mackintosh.

MR. G. MACKINTOSH: I discussed this provision with the Acting Law Clerk of the House of Commons because they have an identical provision in their Standing Orders. He could only recall one instance when this provision was ever used; it is very rarely used, in fact, it has been the underlying thrust not to allow the public to initiate debate in the Legislatures.

Ottawa interprets this section to mean that where a member has a personal grievance, in other words it's a member's personal grievance, if some member was, I don't know, talk about office space perhaps or some criminal action against a certain member or something, but that's how it has been interpreted in Ottawa. There is no reason why that couldn't be raised as a matter of privilege anyway, but certainly there was no motion made at the time that Ottawa dealt with this. So you're absolutely correct in that there doesn't seem to be a vehicle through which to enter in a debate.

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: Mr. Chairman, I have some difficulty with the interpretation that Mr. Mackintosh has received from Ottawa on this in that, if this is to be interpreted as a vehicle for members only and not for the public, I can't conceive of a member filing a petition with the Assembly on a grievance of any sort. Now maybe that happened in Ottawa, for whatever reason, but I suspect that if we are going to, in the future, have petitions which relate to personal grievances requiring an immediate remedy then we need a mechanism to deal with those. If we are going to change our rule to accommodate this then we should also state how it shall be accommodated. It may include a reference to Private Members' Hour and that, on one day of the week, much like Orders for Return and Addresses for Papers referred for debate, we could have those things referred for debate. Maybe that's the way to provide the vehicle, but if it is a contentious issue when it comes before the House, and no vehicle is provided, we could have a serious problem in the House with the House divided on it.

MR. CHAIRMAN: Mr. Tallin.

MR. R. TALLIN: Do you want us to take any action by way of some kind of a suggestion in the Rules?

MR. A. ANSTETT: I have no idea how other members feel about this, Mr. Chairman. If other members see it as being a problem and it warrants further examination, then certainly I think some suggestion as to how we deal with it is in order. I may be the only one who's concerned.

MR. CHAIRMAN: Mr. Mackintosh.

MR. G. MACKINTOSH: Could I suggest that in order for there to be debate there must first be a motion. I

think that's just an underlying principle of our system. So, really, 81(10) implies that a motion could then be made if the complaint of a personal grievance. Perhaps we could leave it at that; that would be the mechanism.

Certainly if a petition came in complaining of a personal grievance, however that may be defined by the Speaker of the House on that day, the individual member could get up and make a motion then under 81(10).

MR. A. ANSTETT: Any individual member.

MR. G. MACKINTOSH: Yes, Sir, I think so.

MR. R. TALLIN: If that's the extent I would suspect you did not need the last part because that would be a separate motion, not a motion on the receiving of the petition; it wouldn't be a debate on the receiving of the petition.

MR. A. ANSTETT: That's where I have a problem, because Mr. Mackintosh is completely correct. If you are going to deny debate on receipt of the petition, and yet you're going to allow immediate discussion on the grievance that might be contained therein, you've got a contradiction and the only reason the contradiction is there is because we think of petitions as heralding private bills. We are not thinking of the petitions as bringing in personal grievances seeking an immediate remedy. So we have two different classes of petitions here, but we have drafted our Rules to accommodate only one of them.

MR. CHAIRMAN: If there is no further discussion, members might like to read that over and consider it for the time that the matter next comes before this Committee. Can we move on? Chapter 11.

MR. R. TALLIN: Presently Chapter 11 begins with a heading which says, "Proceedings on Public Bills" and some of the sections in it say this Rule applies to both public and private bills. In fact, a great many of the Rules that are set out in Chapter 11 in practice have been made to apply to private bills in any case and it seemed to me in just looking over this that with some minor exceptions all of Chapter 11 would normally apply to private bills. The minor exceptions are so minor that they don't even warrant discussion. So, essentially what is being looked at here is to change Chapter 11 with some very minimal changes so that it applies generally to all bills coming before the House; 82 makes that clear. 83, there is no change. In 84, the change is to remove the part of it that says, "this Rule applies to private bills as well as to public bills." 85, there is no real change, I don't think.

MR. L. SHERMAN: In 85, should the last phrase in the clause not read, "shall be decided without amendment or debate?"

MR. R. TALLIN: Yes, it should be.

MR. CHAIRMAN: Mr. Ransom.

MR. A. RANSOM: On 84, you took out the section that said, "may give such explanation as will enable the House to understand the purport of the bill".

MR. R. TALLIN: No, that's now in 85.

MR. A. RANSOM: That's in 85? Oh, pardon me. Well then, the question is, is that really what happens? Is it intended to happen? Because I don't believe it has in the past; it has always just introduce the bill giving the title, no explanation. We have as recently as the last Session gotten into debate over the timing of the announcements or explanations of the intent of the bill to the public as opposed to the Legislature. I wonder what the history of that section was. Was there ever a time when, on first reading, the person introducing the bill actually did explain the purport of the bill?

MR. R. TALLIN: I think, historically, in ancient history, first reading of the bill actually included the reading of the bill to the House and that was, in itself, a form of explanation. The only time I can recall this happening is when Mr. Kardash introduced a bill which, by its title itself, created some disturbance among certain members of the House and they asked him to explain the bill and after he had explained what it was he intended to do, they defeated it at first reading. But I seem to recall in the past that on a number of occasions, Ministers have been asked, just explain please, and the Minister has got up and made a brief explanation of what the bill was intended to do.

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: Mr. Speaker, that provision applies to both public and private bills and has been used on public bills by private members to allow the Speaker in particular to interpret whether or not the subject matter of that bill was in any way going to conflict with other government business, either in the form of government bill of the same title, or government business that had been announced by intent in the Throne Speech. You may recall, I believe in 1976, Steve Patrick, the member for Assiniboia at the time, made an explanation on first reading of a bill to amend The Payment of Wages Act, which the Speaker then upon hearing the explanation took under advisement to rule on whether or not the bill was admissible. So, that's one reason to which use that provision has been applied, and there have been other explanations as Mr. Tallin says where they have been requested by members on first reading.

MR. R. TALLIN: 86(1), (2) and (3), I think, don't have any changes in them.

MR. CHAIRMAN: Mr. Ransom.

MR. A. RANSOM: Perhaps this would be the time, Mr. Chairman, to have some brief discussion on this division of 86(2).

MR. R. TALLIN: I'm sorry, 86(3) is sort of a new departure from practice but it's in the Rules.

MR. A. RANSOM: 86(2), which we have the situation where a bill must be distributed two days prior to being introduced for second reading. The House has, I believe, always insisted on having the privilege or the right of

having the bill explained to the House before it's explained publicly, which was the subject matter of some debate in December. But by having the bill distributed two days in advance, it obviously raises questions from the press people about the content of the bill. What is done in other jurisdictions? Is there some better way of protecting the rights of the Legislature, some better way than we have in the Rules before us now?

MR. CHAIRMAN: Mr. Mackintosh.

MR. G. MACKINTOSH: I can comment briefly on Ottawa's practice. In Ottawa, the bill must be available for members upon first reading, I believe. In fact, I believe the Clerk of the Table must have the copy of the bill in front of him before the motion goes to the member. I don't know what the practice in other provinces may be but certainly it's a bit of a strange practice that we have. First reading in our House is really nothing more than a notice of motion. It's just saying to members, there's something coming, and often members don't even know the purport of the bill. But I know that in Ottawa, on first reading, the bill is available.

MR. CHAIRMAN: Mr. Ransom.

MR. A. RANSOM: Well, that seems to make more sense to me, that either you go one way or the other because at the moment, as Mr. Mackintosh has said, first reading is simply just a notice of motion; it's an indication that the government is active. They may not be active; they may just have the title for a bill and want to indicate that it's there, perhaps even in some cases to prevent the Opposition from having a similar bill. Mr. Tallin pointed out one precedent where a bill was actually defeated on first reading. In order for the members to know whether they want to oppose the introduction of a bill at first reading they would have to know the content of the bill. Presumably it is a right that's there because the question is put, shall the bill be received for first reading?

It seems to me we should be going one way or the other, either accepting it as Notice of Motion and then distributing it at second reading or advancing the whole procedure a bit. Was any consideration given in bringing forward these recommendations to changing the procedure at all or was it just a question of redefining it?

MR. CHAIRMAN: Mr. Tallin.

MR. R. TALLIN: Yes I, as a matter of fact, have for a number of years thought that the requirement of giving notice of first reading of a bill is almost completely useless in our House. Notice of a substantive motion is fine because that gives the Members of the House knowledge that a person is going to introduce a motion on a particular day - it may not get called on that day but nevertheless that's the theory behind it - and that presumably the debate will begin on that date, so they want to know what the substance of the motion is. But with our first reading of a bill, there being no debate even allowed, the member is not really concerned whether he is there the day the first reading occurs or

not in most cases; what he wants to be sure is that he's there when second reading starts, the debate on second reading is beginning, and that will not start until at least two days after he's got a copy of the bill in his hands.

Therefore, I cannot see the necessity for having notice of the motion for first reading because our first reading ends up being nothing but a motion that in due time there will be a bill before you to debate. I've raised that, but it was not one of the matters which was referred to this committee so there is nothing in the report on it. I don't know how the Clerk and the Assistant Clerk feel about it, but my feeling is that notice causes undue delay when a Minister or a member finally decides, yes, I want to introduce that bill. Quite frequently, even after they have been in the House for a long period of time, they are surprised that if they tell me on Wednesday they want to introduce the bill, the first opportunity they're going to have to do it is next Monday.

MR. CHAIRMAN: Mr. Scott.

MR. D. SCOTT: By making the first reading effectively what we now use as a second reading of a bill, I don't know if that it would really address one of Mr. Ransom's concerns. Would that mean that it would still have to be presented to the House two days before first reading? What I am referring to here is the idea of public comment, like once a bill is distributed then you know the public has it. The member's of the House have it, the public has it. There's going to be commentary on it, there's going to be request of Ministers for comment on the proposed legislation. You are not going to get around or alleviate any of that problem if you still have your two days printed notice of the bill, or at least the bill appears on the floor two days beforehand.

I suspect maybe that's one of the reasons, I shouldn't suspect, maybe I should ask Mr. Tallin, if you know how long has it been since the first reading has evolved into its present state, and why it evolved in that method rather than similar to the federal procedure of actually reading the bill or presenting the bill on first reading?

MR. R. TALLIN: I am afraid I couldn't tell you. It's way back probably Edward I or something like that.

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: A question for Mr. Mackintosh. He referred to the federal practice that there is a copy of the bill at the Clerk's table on first reading. It is my understanding, but I would like this clarified, that bill is not there for distribution to members, but rather is there for perusal by the Speaker, by the law officers of the House rather, the law clerks who advise the Speaker to determine if there are any defects in the bill; but that Ottawa essentially have the same practice we have, but the order for first reading includes an order then for printing and distribution to members and that the actual distribution of the bill containing the import of the bill does not become available to members until a time subsequent to it receiving first reading. Is that not correct?

MR. CHAIRMAN: Mr. Mackintosh.

MR. G. MACKINTOSH: My understanding, the practice is that the bill is available on the day of first reading; that's the practice. I am not aware of any legal provision that the bill be distributed to members on the day of first reading, but it is a practice; but that bill goes to print immediately.

MR. A. ANSTETT: It is actually printed and distributed the same day that it receives first reading.

MR. G. MACKINTOSH: I believe so. I don't want to stake my reputation on it, but that's my understanding in conversation with the Federal Law Clerk.

MR. CHAIRMAN: Mr. Fox.

MR. P. FOX: I think we are looking at a couple of things here. One, the non-essential use of one procedure of bringing in a bill on first reading, where only at second reading we debate the principle of the bill; and the other one is information in respect to that bill. Just because we are procedures over how many decades doesn't matter has become so that this thing has become useless, maybe we should look at making it of some utility. That on first reading a bill would have to be given some background information, then information to the public or any place else wouldn't preempt the House; that just a title of a bill should be insufficient. Otherwise we have to change second reading in principle to become first reading in principle and have it debated and go through the procedures that way and have the notice of the bill come in its normal fashion in order to enter the procedures of the House.

So, we have a choice of either saying that on first reading we shall have background information provided as to what the bill will do, but there shall be no debate, and then on principle we will discuss the merits, the pros and cons of it. That of course then precludes, before we would go into debate on the principles of it, the public at least has access to the information as well as the members at the same time. At least I hope it does.

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: Mr. Chairman, I appreciate Mr. Ransom's concern about the mechanism which we use. I think it's worth noting though that the precedence on which we base the requirement that Ministers, and the another member introducing a bill, provide those explanations to the House are our own precedence established by our Speakers with their rulings. There is no such established practice in Ottawa. It is something that we do here and that we've enforced here on the basis of Speakers' Rulings from the past and is a tradition and custom of our House.

I am not sure that we can resolve the concern Mr. Ransom has and that I quite honestly share with him about how this mechanism works by going to Ottawa's rule, because Ottawa's rule is not designed to protect from exactly the kind of activity Mr. Ransom is concerned about. In fact, under the Ottawa experience

as I understand it, the debate takes place in the corridors and with the media for weeks after first reading before it's actually moved for second reading in the House, and all kinds of information is distributed that is not available first in the House.

So I am not sure this mechanism is going to get around the primary objection about the privileges of the House being abused in some way by the dissemination of this information to the public or to the press before it goes into the House. I share his concern, but I'm not sure we are headed in the right direction by looking to Ottawa since they obviously, both in Beauchesne and in their own tradition, don't seem to have that concern.

MR. CHAIRMAN: Mr. Ransom.

MR. A. RANSOM: Mr. Chairman, it's not immediately clear to me what is the real advantage of having the bill distributed two days prior to second reading. I'm sure it gives the Opposition a chance to have looked at it and listened to the explanation of the Minister, but there may be that the disadvantages offset that and it might be better to simply have the bill distributed at the same time as the Minister introduces it for second reading.

I have learned from experience not to jump to conclusions on something like that until one has had time to understand why things are the way they are, but I think this is an issue that perhaps we should address, either in our respective caucuses or whatever, and have some further discussion on it the next time that we're dealing with this. Perhaps the committee that has brought forward these recommendations might also give it some consideration.

MR. CHAIRMAN: Perhaps all members would like to discuss it before we come back again. Mr. Tallin is just running through it to show you what is in there and to answer any questions. Hopefully, any decisions would come at a subsequent meeting.

Mr. Tallin.

MR. R. TALLIN: 87(1), I think is the same as 86(1) of the present Rules; 87(2) is the same as 86(2) of the present Rules; 87(3) is the same as 87 of the present Rules; 87(4), I think is changed. This comes from the private Rules provisions, I believe, doesn't it? And it's a proceeding that seems to us to apply to all bills.

88(1) is essentially the same as 88(1) in the present Rules, but it also deals with the same matter that's raised in 68 of the Rules and we therefore suggest that Rule 68 be deleted and that 88(1) be sufficient for the purposes. At the present time, it applies only to Standing and Special Committees. We suggest it should also apply to Committees of the Whole House when they are considering bills. We do it in practice, so we might as well make the Rule fit the practice.

Now the report stage provisions are, I think, left unchanged except that the note that follows Subsection (7) used to follow Subsection (8) and we think it more fittingly should follow Subsection (7). Subsection (8) raises some difficulties with us and the note that is following Subsection (8) on Page 9 is a query; it's not a note that is expected to continue in the Rules. We

wonder how this Rule works because it seems to be that, if a person wants to amend a report-stage amendment, he must have a separate resolution of the House authorizing him to move an amendment. This interrupts the debate that is already going forward on the report-stage amendment. I can't understand, except by resolution of the House, what other word that can mean, because normally, if you want to move an amendment to an amendment that's before the House, you move the amendment. You don't go and get some separate resolution.

You're nodding your head, Mr. Anstett. What do you think that means?

MR. A. ANSTETT: We have never done that.

MR. R. TALLIN: No, I know.

MR. A. ANSTETT: I was not aware of that until I read it now. A subamendment to a report-stage amendment has been considered by the House and one of the concerns when that was done that was raised - and that may have caused this amendment in the middle seventies when we experimented with the report stage - was that the notice provision had been gotten around by going the subamendment route. Now perhaps that phrase which, as you suggest, it doesn't make sense, but perhaps that phrase is inserted to try to prevent the use of the subamendment as a vehicle to circumvent the notice provision for report stage.

Maybe what we need is a delay provision where there is a subamendment. I can see no other reason why that would be in there and I think the proper route would be to require that where a subamendment is moved, further consideration of the matter shall be delayed until the next sitting or whatever.

MR. R. TALLIN: Except with the consent of the House or something like that.

MR. A. ANSTETT: Yes.

MR. CHAIRMAN: Mr. Fox.

MR. P. FOX: Precisely, I think that this is what has been occurring, that taking the words literally "by resolution of the House" means that if the House is in the mood to do it, it should do it. That means if there is a subamendment that's been brought up in the debates, if the House agrees that the subamendment should be put to a vote, then it will. I don't think that it was the other sense that we have to make another resolution. I think it's just to carry on the work of the House; that's resolution of the House and that is the interpretation that, I believe, was placed in there.

MR. R. TALLIN: Can I suggest then that the words be changed to "except by consent of the House"?

MR. P. FOX: Yes, that would clarify it.

MR. R. TALLIN: Then I don't believe there are any further material changes for the rest of the Rules on

public bills except that, where there is mention in the present provision of Standing and Special Committees, we have extended it to be Committees of the Whole because the procedure on bills and Committee of the Whole is essentially the same as it is in the Standing and Special Committees. We've retained that provision that a third reading can be proceeded immediately after a Committee of the Whole has reported.

Now the next provision is . . .

MR. CHAIRMAN: Mr. Anstett.

MR. A. ANSTETT: Mr. Chairman, before we move too far beyond, I have one question I wanted to raise back on Page 5, Section 86(3). I'm going through this fairly quickly. That provision provides only that the Order Paper shall show reprinting pending, and later the word, "reprinted". There is no provision that on the cover of the bill the word "reprinted" appears. Is that provided for somewhere else, or should we provide for that right here? Because we're going to have the same number, the same title, we may want to acknowledge that this has come out of committee and has been reprinted.

MR. CHAIRMAN: Order please. Since we have reached a new chapter on private bills, this might be an appropriate time to recess for lunch.

Mr. Penner.

HON. R. PENNER: Mr. Chairman, I'm just wondering whether we might get some consensus on adjourning to another time. Government members have a conflict of time and we would appreciate a consensus or an agreement of having this meeting of the Rules Committee take place at some later date to continue with the work that we've started.

MR. CHAIRMAN: Mr. Ransom.

MR. A. RANSOM: Mr. Chairman, obviously if the government members aren't able to be here in Committee we're not going to be able to proceed, but it gives me some concern that a committee meeting should have been called for 10 o'clock on Monday morning, which necessitated some of us from the rural areas having to travel into the city on Sunday in order to be here to conduct the business of the Committee on Monday morning, and now to find that the Committee can't even proceed with the business before it is somewhat disconcerting.

MR. CHAIRMAN: Mr. Penner.

HON. R. PENNER: I take Mr. Ransom's point and it's well taken. We'll agree to continue this afternoon. We'll do some spelling off perhaps, but we'll be here.

MR. CHAIRMAN: Would it be convenient for the Committee to return at 1:30, that's an hour from now? Is that sufficient time?

If that's agreed, we'll recess then until 1:30.