



**Second Session - Thirty-Sixth Legislature**

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS  
(Hansard)**

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Speaker*



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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

**Members, Constituencies and Political Affiliation**

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<b>Name</b>	<b>Constituency</b>	<b>Party</b>
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert, Hon.	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim, Hon.	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David	Riel	P.C.
PALLISTER, Brian, Hon.	Portage la Prairie	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupert'sland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, November 27, 1996

The House met at 1:30 p.m.

*PRAYERS*

**ROUTINE PROCEEDINGS**

**Speaker's Ruling**

**Madam Speaker:** Late last evening, the opposition House leader (Mr. Ashton) rose on a point of order and stressed the urgency of bringing that point of order to the House. I have a ruling for the House.

On November 26, the opposition House leader (Mr. Ashton) raised a point of order about the entitlement of the House to three Opposition Days. In raising the point of order, he referenced my earlier ruling that Thursday, November 28, would be the last day of the fall sitting. He also argued that the government House leader (Mr. Ernst), according to the provisional rules, is to announce Opposition Days and has not announced the third such day. The House, the opposition House leader claimed, was precluded from its entitlement to that third Opposition Day due to the business scheduled for the House on November 27 and November 28, as set out in my ruling given to the House on November 21.

I have carefully reviewed Rule 22 which is the rule respecting Opposition Day motions. Subrule 22.(1) reads, "In each session there shall be up to 3 sitting days to be known as Opposition Days, but not more than 2 such days shall be scheduled in either the spring or the fall sittings." While it is true that the House has only had two Opposition Days, the rule is clear that there shall be up to three sitting days to be known as Opposition Days. There is no guarantee that there would be three such days.

\* (1335)

Also, subrule 22.(3) reads, "After consultation with the Recognized Opposition Parties, the Government House Leader, from time to time, will announce the date or dates which are to be designated Opposition Days." It is clear from this rule that the designation of Opposition Days is the responsibility of the government House leader. The

rules are explicit about the process to be followed for Opposition Days.

The opposition House leader indicated in raising his point of order that he saw a gap in the rules. I must advise the House that I do not see a gap. Although the rules allow for a maximum of three Opposition Days, they do not require that three Opposition Days be held. The opposition House leader, therefore, does not have a point of order.

**Mr. Steve Ashton (Opposition House Leader):** Madam Speaker, it is clear we have one set of rules for the government and one set of rules for the opposition. I challenge your ruling.

**Madam Speaker:** The ruling of the Chair has been challenged.

**Voice Vote**

**Madam Speaker:** All those in favour of sustaining the ruling of the Chair, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Yeas have it.

**Formal Vote**

**Hon. Jim Ernst (Government House Leader):** Yeas and Nays, Madam Speaker.

**Madam Speaker:** The honourable government House leader has requested a recorded vote. Call in the members.

Order, please. In accordance with Rule 12(3), I am requesting that the bells be turned off. The one hour has expired.

\* (1440)

### Division

*A RECORDED VOTE* was taken, the result being as follows:

#### Yeas

*Cummings, Derkach, Downey, Driedger, Dyck, Enns, Ernst, Filmon, Findlay, Gilleshammer, Helwer, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Newman, Pallister, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Sveinson, Toews, Tweed, Vodrey.*

#### Nays

*Ashton, Barrett, Cerilli, Chomiak, Dewar, Evans (Brandon East), Evans (Interlake), Friesen, Gaudry, Hickes, Jennissen, Kowalski, Lamoureux, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Robinson, Sale, Santos, Struthers*

**Mr. Clerk (William Remnant):** Yeas 30. Nays 24.

**Madam Speaker:** The ruling of the Chair is accordingly sustained.

### Point of Order

**Mr. Ernst:** Madam Speaker, on a point of order, from time to time in this House, we have had the rulings of Speakers dealing with displays of various kinds in the House. I can remember being in the House here when people have brought in bags of peanuts, when they have brought in all kinds of different things, and Speaker Rocan, I believe, ruled the question of—

**Mr. Ashton:** I rise on a matter of privilege, Madam Speaker.

**Madam Speaker:** The honourable government House leader was recognized for a point of order.

**Mr. Ashton:** Madam Speaker, a matter of privilege takes precedence over all matters including points of order. I rise on a matter of privilege which will be followed by a motion, and I can show, if the question is precedence, from the House of Commons where clearly a

matter of privilege takes precedence over all other matters before the House.

**Madam Speaker:** Order, please. I was in the process of hearing the honourable government House leader on a point of order, and I recognize that procedurally a matter of privilege takes precedence over, but—[interjection] Order, please. I have been advised that never has an individual been interrupted when they have been recognized to speak prior to recognizing someone on a matter of privilege.

I will deal with the point of order raised by the honourable government House leader, and then the member will be recognized to deal with his matter of privilege.

**Mr. Ashton:** Madam Speaker, I have precedents from the House of Commons where a matter of privilege has been raised on a point of order, and I want to have the assurance that given the kind of unprecedented tactics we have seen in the House today that you will not prevent me from moving into the matter of privilege prior to bringing in any kind of vote or other proceeding, legal or illegal. I want a guarantee. Are you indicating that I will be given that opportunity following the point of order?

**Madam Speaker:** I indicated that I would hear the honourable government House leader's point of order.

The honourable government House leader.

**Mr. Ernst:** Madam Speaker, in terms of the—

**Some Honourable Members:** Oh, oh

**Madam Speaker:** Order, please.

**Mr. Ashton:** Madam Speaker, on a matter of privilege, you stated you would hear a matter of privilege. I want you to rule on whether you will recognize me to be able to exercise my right to raise a matter of privilege. You stated in your ruling that I would be recognized after that. You have not stated that on your second ruling.

Will you guarantee that I will be able to move that matter of privilege, in which case, we are prepared to hear the matter of order but only if the matter that should

take precedence, the matter of privilege, is allowed? I demand my rights as a member of this Legislature.

**Madam Speaker:** Order, please. I would remind all honourable members that according to our rules, Beuchesne Citation 168, when the Speaker is standing to give a ruling, all members should be seated.

**Mr. Ashton:** Madam Speaker, you should reflect on Beuchesne Citation 29 which gives precedence for a matter of privilege over all business before the House.

\* \* \*

**Madam Speaker:** Order, please. The hour being 2:45 p.m., in accordance with my ruling of November 21 which was sustained by the House, I am interrupting the proceedings to put the question on the report stage amendment currently before the House. Therefore, the question before the House—

**Some Honourable Members:** Oh, oh.

**Madam Speaker:** Order, please.

Therefore, the question before the House is the motion of the honourable member for Thompson (Mr. Ashton)

THAT Bill 67 be amended by renumbering section 12 as subsection 12(1) and by adding the following as subsections 12(2) and (3):

#### **Operations within Manitoba**

**12(2)** The corporation shall ensure that its senior executives reside in Manitoba and that all accounting, finance, marketing, administration and personnel functions and substantially all of its other operations are maintained in the province.

#### **Restrictions on contracting out**

**12(3)** The corporation shall not contract out to a person who is not a resident of the province, as defined in subsection 16(3), any services that on the day before this section comes into force are normally performed by the predecessor corporations or their employees.

#### **[French version]**

*Il est proposé d'amender le projet de loi 67 par substitution, au numéro d'article 12, du numéro de paragraphe 12(1), et par adjonction de ce qui suit:*

#### **Opérations au Manitoba**

**12(2)** La Société veille à ce que ses cadres supérieurs résident au Manitoba et que toutes les fonctions comptabilité, gestion financière, commercialisation, administration et gestion du personnel ainsi que la quasi-totalité de ses autres opérations soient maintenues dans la province.

#### **Sous-traitance**

**12(3)** La Société ne peut donner en sous-traitance à une personne qui n'est pas un résident de la province, au sens du paragraphe 16(3), des services qui, à l'entrée en vigueur du présent article, sont normalement assurés par les sociétés remplacées ou leurs employés.

Agreed?

**Some Honourable Members:** No.

#### **Voice Vote**

**Madam Speaker:** All those in favour of the amendment, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Nays have it

\* (1450)

#### **Formal Vote**

**Madam Speaker:** A recorded vote has been requested, call in the members.

\* (1550)

**Madam Speaker:** The hour has expired. I would request that the doors be closed.

The question before the House is the amendment moved by the honourable member for Thompson (Mr. Ashton)

THAT Bill 67 be amended by renumbering section 12 as subsection 12(1) and by adding the following as subsections 12(2) and (3):

#### **Operations within Manitoba**

**12(2)** The corporation shall ensure that its senior executives reside in Manitoba and that all accounting, finance, marketing, administration and personnel functions and substantially all of its other operations are maintained in the province

#### **Restrictions on contracting out**

**12(3)** The corporation shall not contract out to a person who is not a resident of the province, as defined in subsection 16(3), any services that on the day before this section comes into force are normally performed by the predecessor corporations or their employees.

#### **Division**

*A RECORDED VOTE was taken, the result being as follows:*

#### **Yeas**

*Gaudry, Lamoureux.*

#### **Nays**

*Cummings, Derkach, Downey, Driedger, Dyck, Enns, Ernst, Filmon, Findlay, Gilleshammer, Helwer, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Newman, Pallister, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Sveinson, Toews, Tweed, Vodrey.*

**Mr. Clerk (William Remnant):** Yeas 2, Nays 39.

\* \* \*

**Mr. Ernst:** Madam Speaker, to resume my point of order which was interrupted earlier by your call—

**Mr. Ashton:** On a point of privilege, Madam Speaker

**Madam Speaker:** Order, please

**Mr. Ashton:** Madam Speaker, I ask you, I ask you as calmly as I can. I am standing. I have a right to be recognized. Please, will you recognize me?

**Madam Speaker:** Order, please.

**Mr. Ashton:** I am a member of this Legislature. I have been standing. I have attempted to obtain your recognition. Will you please at least look at me, Madam Speaker?

**Madam Speaker:** Order, please. I have not even given the statement regarding the vote.

**Mr. Ashton:** That is right. You just recognized the government House leader.

**Madam Speaker:** Order, please. I would ask that all members resume sitting until such time as the vote has been recorded.

**Mr. Ashton:** You recognized the government House leader, Madam Speaker

**Madam Speaker:** Order, please. The amendment is accordingly defeated

\* \* \*

**Mr. Ernst:** Madam Speaker, to resume my point of order, before the vote was taken, Madam Speaker, I had a—

**Mr. Ashton:** Madam Speaker, we have procedures in this House when members do not vote who are present in the House to indicate why they did not vote. We always allow for that following the tabling of the vote. I would ask to be recognized.

**Madam Speaker:** Order, please. The honourable member must be recognized, according to Beauchesne.

**Mr. Ashton:** Madam Speaker, I have been here 15 years. Every time there is a vote, members are recognized following the vote if they wish to explain why they were in the Chamber and they did not vote. All I am asking for is to be recognized. I have rights as a member of this Legislature like all 57 members.

**Madam Speaker:** Order, please. The honourable government House leader has been recognized to speak.

**Mr. Ernst:** Madam Speaker, to continue my point of order, the fact of the matter is that we are not in this

House permitted displays of a variety of kinds, and that display is of a variety going back to like I remember when the former member for Gladstone had the member opposite please bring in, brought in a bag of peanuts and was distributing those peanuts around in the—

**Mr. Gord Mackintosh (St. Johns):** Madam Speaker, on a matter of privilege. You do not see me over there or anyone else. I am here now.

**Mr. Ashton:** Madam Speaker, I have been attempting to be recognized as well. We are members of this Legislature. You are required to recognize members of this Legislature on a matter of privilege.

**Madam Speaker:** Order, please. The honourable members know full well that they cannot be recognized if they are not in their seats.

**Mr. Mackintosh:** Madam Speaker, I have a right to speak to the matter before the House. I am on the Order Paper. I have 19 minutes remaining. I have a matter of privilege and this—

**Madam Speaker:** Order, please. I would ask the honourable member for St. Johns to take his seat, or I will have no other option than to name the honourable member for St. Johns.

**Mr. Mackintosh:** If I take my seat, Madam Speaker, you will not be recognizing me, will you, or will you? Answer my question.

**Madam Speaker:** The honourable member for St. Johns has been requested to take his seat.

**Mr. Mackintosh:** Madam Speaker, I am here on a matter of privilege. I insist, as do the members on the other side, as do our constituents. You have no right to disregard the north end and West Kildonan, the people I represent, all the people—[interjection]

**Madam Speaker:** The honourable government House leader, to complete his point of order.

**Mr. Mackintosh:** On a matter of privilege, Madam Speaker. I am scheduled to speak on the matter that you thought this House voted on. That was an illegal vote, and I have every right to speak to that matter. I have 19

minutes remaining. The matter before this House is regarding a very important issue.

**Mr. Ernst:** Madam Speaker, with respect to my point of order, before members opposite, their unruly behaviour has not allowed me to present my point of order, but the fact of the matter is that demonstrations of a variety of kinds are not permitted in this House. Those demonstrations are not permitted in this House. Earlier this month, we had members opposite holding up signs in this House which are strictly not permitted. We had members of the public draping banners over the side of the Chamber. Those are also not permitted in this House. Any kind of demonstration, any kind of prop or other activity in this House, is not permitted.

\* (1600)

Madam Speaker, earlier today, the member for Crescentwood (Mr. Sale) had attached to his microphone a pair of miniature boxing gloves. Now those, I think, probably are demonstrating the activities and the mood of the members opposite. They are continuing to raise issues with respect to violence. The threats coming from members opposite here in this House towards you, towards members on this side, are shameful because that kind of thing—we had the member for Osborne (Ms. McGifford) rising on a point of order, dealing with the question of violence in this Chamber. They are exhibiting the kind of behaviour, the kind of threats, the kind of activity that they are proposing which is absolutely unacceptable in this Chamber.

But the fact of the matter is the member for—

**Madam Speaker:** Order, please. The hour being after 4 p.m., in accordance with my ruling of November 21 which was sustained by the House, I am interrupting the proceedings to consider the report stage concurrence motion.

## REPORT STAGE

### Bill 67—The Manitoba Telephone System Reorganization and Consequential Amendments Act

**Hon. Jim Ernst (Government House Leader):** Madam Speaker, I move, seconded by the Minister of

Education (Mrs. McIntosh), that Bill 67, The Manitoba Telephone System Reorganization and Consequential Amendments Act; Loi concernant la réorganisation de la Société de téléphone du Manitoba et apportant des modifications corrélatives, as amended and reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

**Motion agreed to.**

## MATTER OF PRIVILEGE

### Resignation of Speaker

**Madam Speaker:** The honourable member for Thompson, on a matter of privilege.

**Mr. Steve Ashton (Opposition House Leader):** Madam Speaker, I cannot believe what you have just done to this Legislature. I have a motion. It requires that you resign immediately as the Speaker of this House, and I want to say you will go down in history as the most biased Speaker of any Canadian Legislature. You completely ignored the opposition in order to aid the government in ramming through two votes. I want to say on the record that I hold the Premier (Mr. Filmon) of this province responsible for the destruction of the democracy of this province.

It is bad enough when we have a government that will not listen to the vast majority of Manitobans who do not want the Manitoba Telephone System sold off, but when we saw the kind of script, the staged antics of the government, whereby you allowed them to ring the bells on the point of order, then not recognize me on a matter of privilege at a critical time prior to the two votes that you have allowed to be rammed through this Legislature. I cannot believe that any government would stoop as low as the Filmon government. They were not happy just cutting off the matter of privilege.

I want to run through the breaches of our rules that have taken place under your stewardship just today. Madam Speaker, a matter of privilege always takes precedence. I provided a precedent from 1983, the House of Commons, where a matter of privilege took precedence over a point of order. It is always in order to move a matter of privilege at the earliest opportunity. That is what I attempted to do. You refused to recognize that. You refused again to recognize me for a matter of

privilege prior to the second vote, and you then refused to recognize the member for St. Johns (Mr. Mackintosh), a former Deputy Clerk of this House, someone who has tremendous respect for the rules and centuries of tradition. You would not even recognize him when he stood in front of the government benches and demanded that you look this way.

Madam Speaker. I want to say to you on the record, this is not a one-party state. There are three parties in this Legislature, and we all have rights. I say to the Premier (Mr. Filmon), who sits and smirks, that he has brought us to this abyss because of the fact that he would rather have had the Speaker of the Legislature ram through this bill and set it up through his government House leader.

Madam Speaker. I do not know how you could have sat in that chair, that august chair, the Speaker's chair, and allowed the destruction of a democratic system that in Manitoba goes back to 1870, and in the case of the parliamentary system, goes back to at least the 1300s. I do not know if you bother to read some of the background of the parliamentary tradition, but you know, if you go back, end of the 13th Century and throughout every century, including here in Manitoba in the last 15 years alone, one of the fundamental tenets of the democratic system, the parliamentary system, is the role of the Speaker, the impartiality of the Speaker.

Throughout each century of parliament, people have risked—they have gone from risking their lives to risking, in the case of one Speaker Rocan, there were people who said that the fate of Canada was resting on Meech Lake. You remember that? On a procedural matter, Speaker Rocan rose and said: There cannot be any question about the proceedings of this House. Madam Speaker, that was a Speaker that followed our traditions of impartiality.

Speaker Walding, does anyone remember Speaker Walding? I remember at that time because what happened with Speaker Walding was he was faced with the chaos of bells being rung. He said it was not the role of the Speaker to do that, to interfere, to close off the bells, and at that time, in fact, that constitutional amendment did not proceed any further.

I note, Madam Speaker, some of the comments put on the record at the time by the then-Leader of the



**Opposition.** What a difference a few years makes. What a difference it makes when you are sitting on that side of the House, because this Premier (Mr. Filmon) is the most undemocratic Premier in Manitoba history.

You did not just stop there, and I raise this on the record. This is very germane to the motion I am going to be moving. Today before Question Period, for the first time that I can remember, you brought in a ruling just before Question Period, before I could rise on a matter of privilege. There are two times you can rise on a matter of privilege during normal proceedings, normally before proceedings or after, after Question Period, or at the time the matter is raised. Madam Speaker, you made sure at 1:30 p.m. today that I did not even get the chance to raise a serious matter of privilege related to two key votes for Bill 67. You had no right to do that.

But I want to go one step further because what was the ruling on. The ruling was on our entitlement under the rules to an Opposition Day, properly filed, that sat on here for several weeks, that just happens to be in regard to putting the issue of MTS to a vote of the people of Manitoba. We asked for that to be called. The government House leader actually went as far as adjourning the House on the week of November 12, 13, 14, rather than us have the opportunity to have that motion debated and voted upon. I wonder why the government would not want to vote on the issue of putting the sale of MTS to a vote of the people of Manitoba. It is interesting because I find it absolutely incredible, but then we saw the government House leader. They rang the bells. Madam Speaker, you immediately turned to the government House leader, and he rang the bells, rang the bells for a full hour. Why? Because they did not want us to have even the opportunity for Question Period, let alone the ability to raise the matter of privilege.

\* (1610)

Madam Speaker, when you started breaking the rules, not just the practices of this House, is when you, prior to 2:45 p.m., refused to recognize me on a matter of privilege which you know or you should know—you are Speaker of this House—takes precedence over all other business. You broke that when you would not recognize me initially. When the government House leader got up on a bogus point of order, what did you do? You again

refused to allow me to rise on a matter of privilege, and I cited the House of Commons in 1983 where it was very clear that—and it is clear in our rules, Rule 29, that a matter of privilege takes precedence over all other business.

Madam Speaker, why did you do that? Why? Because obviously you knew and the government knew that, if I was on a matter of privilege, that also would take precedence over any vote of the Legislature. You wanted to make sure that the vote took place at 2:45 p.m., regardless of our rules. I ask you to look at our rules on matter of privilege, and I cannot believe that I now have to stand after you have allowed the ramming through of these undemocratic two key votes on Bill 67.

Did you not read Erskine May, one of the books on parliamentary procedure on which Beauchesne very much is based? It indicates: Such a motion, that is, matter of privilege, is given precedence over other business. Did you not consider Bourinot, which states that, whenever any matter of privilege arises, it shall be taken into consideration immediately? Did you not consider our rules?

I want to point to our rules, Madam Speaker, the very little defence we have in this Legislature. Rule 29, and it is based on Beauchesne's Sixth Edition, page 29, Citation 114, provides that when a matter of privilege arises, it shall be taken into consideration immediately. Not when it is convenient for the government, not after two votes are rammed through, and not after we are in the position of being denied our opportunity of even raising a matter of privilege in regard to the matter at hand, the two votes.

Well, that is when you broke the rules again, Madam Speaker, of this Legislature. At 2:45 you once again broke the rules. Your ruling, which we do not accept, states that a vote should take place. It should take place at 2:45. When you brought in that ruling you did not indicate that this would require moving into Orders of the Day, because if you look at anything else in our rules where there is any kind of time vote on either throne speech or budget, you have to be in Orders of the Day. The motion has to be properly moved under government business for it to be considered.

You not only put the votes, we were not even into Routine Proceedings. We had not even gotten into

reading petitions. I want to remind you, Madam Speaker, because this is one of the reasons I am going to be moving this motion calling for your resignation, that our rules indicate that daily routine of business in the House is as follows, and I want to read through it so members of the public who perhaps do not know about the rules of the House will understand this. They should understand this is like any organization, you have an agenda, and in this case it is set in our rules: Presenting Petitions, Reading and Receiving Petitions, Presenting Reports by Standing and Special Committees, Ministerial Statements and Tabling of Reports, Notices of Motions, Introductions of Bills, Oral Questions, Members' Statements and Grievances.

You cannot enter into government business until all of those matters have been dealt with, and yet you allowed the government to put a matter on the floor and had two votes when even at this point we are still not in government business in terms of our agenda. I submit to you that the last two votes are illegal votes of this House. They cannot and should not be allowed to stand as any precedent.

And I say to you, at a time when there is already one challenge, a court challenge for the sale of MTS, and I am advised of another potential court challenge—and I warn government members in this particular case they are on notice by Phil Fontaine, Grand Chief, Assembly of Manitoba Chiefs in terms of the legal position affecting First Nations. I remind all Manitobans of what happened here in 1990, the moral authority of the Speaker, and the challenge at that time of First Nations, the people of Manitoba who have probably given the most faith and trust in our system, and I say to you, Madam Speaker, the Speaker at that time, Speaker Rocan, gave a tremendous boost of faith to our democratic system.

What has happened here today has done the complete opposite. Madam Speaker, you broke the rules at that time. When we proceeded further, when we had that illegitimate vote, what happened? I did something I have never done in this House. I came into the Chamber along with four other of my colleagues, and I did not vote. It was a difficult decision; it was my amendment. But I could not, in all conscience, nor could any one of our caucus members bring ourselves to accept in any way, shape or form the illegitimate vote, the illegal vote that took place at 3:45.

What is interesting is when I attempted afterwards to rise, you would not even give me the courtesy, as is the case in this House, of explaining why I was in the House and why I did not vote. Madam Speaker, the normal assumption is when you are in the House, you vote. There are cases where members pair and they explain why they did not vote.

There are also cases where I have seen members sitting in other seats. In fact, I remember this was established as a precedent I think by the Liberal caucus a few years ago, and, Madam Speaker, you would not even give me the courtesy of that. Once again, you broke our rules.

But notwithstanding that, you were not happy and this government was not happy ramming through the one bill. What did they want? What did they want? They wanted to have the next vote pushed through. Again, the government House leader (Mr Ernst), you in fact recognized the government House leader and then you decided you were not actually going to recognize him because we had not finished calling the vote. This was the excuse you used for not recognizing me.

So I sat down and I thought maybe, just maybe, I have a chance here. So I stood up again and you again recognized the government House leader on yet another bogus point of order, but you were not happy then. I sat down and the member for St. Johns (Mr. Mackintosh) attempted to be recognized on a matter of privilege, which takes precedence over a point of order. In all the years I have been in the House, I have never seen a Speaker refuse to deal with a matter of privilege, but you did it twice and you did it despite the fact that the member went to the unprecedented step of standing on the government side of the House to be recognized by you. [interjection] Well, the Premier (Mr. Filmon) says, you do not recognize someone who is not in the chair. To the Premier, this Speaker and this government has not recognized a single opposition member prior to ramming through the two votes today. That is unacceptable.

\* (1620)

Madam Speaker, you then put the vote. You were reading the vote, and it is not in order to move a point of order during a division, but it is in order to raise a matter of privilege or a point of order during the calling of a vote. You did not even listen. You did not even stop

You did not even look in our direction. I do not know if there was a script for this afternoon or not, but the script should have included at least recognizing members of the opposition, as is your responsibility.

How many times have we had the rules of this House and the law of Parliament broken this afternoon? I ask, what is going to be left for this government over the next few days. How many more rules will they break? I wonder how members opposite can support what happened. I look to the member for Riel (Mr. Newman), who gave a member's statement in this House and he lectured us in terms of ends not justifying the means. I know that there is some concern on the government benches and probably echoed on Bay Street right now. They are probably asking the question why Bill 67 has not been passed. I am sure the brokers, I mean, I have been told by friends of mine, I am not that popular and we on this side are not that popular with some of the stockbrokers on Bay Street.

But you know, and I say this to the member for Riel, who, I believe, is a man of good conscience, if ever there was a case of a government putting the ends ahead of the means, this is a case. They had other options, and this was outlined in a matter of privilege earlier this week.

By the way, Madam Speaker, you did not rule on that matter of privilege at a time when you had any opportunity. We came in after your ruling last week on Thursday, we came in and we offered an opportunity to have this matter dealt with by the Standing Committee on Privileges and Elections.

A matter of privilege is by its very nature a matter that cannot be considered at any other time. And what did you do? You put a point of order that I raised yesterday up first today, but you did not deal with the matter of privilege raised by the member for St. Johns (Mr. Mackintosh) that was raised on Monday. That, in itself, is a dereliction of your duty as the Speaker of this House. You should have ruled on that. You should have ruled on it yesterday. That was the last chance.

Yesterday was the last chance to get any sanity into the dealings of this House with regard to Bill 67, and I find it amazing that even last Thursday the government House leader was saying publicly that he saw us on Wednesday and Thursday being into anarchy.

Madam Speaker, there were so many other ways of dealing with this matter. I know we have been criticized on this side of the House for—I mean, we have been really terrible, I know, on Bill 67. For example, we asked that normal notice provisions apply. How terrible. We asked for the rules to apply. We were punished by the government; they moved adjournment, November 12, and again that week.

We have been accused of wasting taxpayers' money by running this Legislature. Now, I have mentioned earlier this week, and I want to note for the record again, if you look at the Order Paper, we are in day 88 of the Manitoba Legislature, it is not even above the normal average. But I say to government members, indeed, there may be a price to democracy, but, Madam Speaker, I think I rather would live in a province where we do pay just a little bit to have a democratic process than live under any other system of government.

Madam Speaker, how can you continue to act as Speaker of this House? We have had a number of motions brought in this House, a matter of privilege, and I want to indicate and reiterate what Beauchesne Citation 168 states: "The chief characteristics attached to the office of Speaker in the House of Commons are authority and impartiality."

Madam Speaker, I will refer you to Beauchesne 168, Citation (2): "In order to ensure complete impartiality the Speaker has usually relinquished all affiliation with any parliamentary party. The Speaker does not attend any party caucus nor take part in any outside partisan political activity." I hope you have not participated in any event sponsored by the Conservative caucus, but, regardless of what you have done or not done in terms of that particular matter, you are not acting impartially and you have lost all authority because you have no more legitimacy as Speaker of this province.

Madam Speaker, what are we expected to be able to do in this Legislature as members of the opposition, in fact, of all members, if we cannot rely on our basic rules and centuries of parliamentary tradition? Our only defence, the only defence is the origins of parliamentary democracy. All parliament itself, in many cases, was the Speaker.

Madam Speaker, you represent this Legislature to all Manitobans. I wonder what kind of example we have set today when we have had two votes on a critical bill. This is a bill that is a billion-and-a-half dollar sale of a public asset. It is one of the largest financial transactions, if not the largest transaction, in Manitoba history. What example have we set to Manitobans today when you intervened through your ruling last week and your actions today as a partisan arm of the government? I cannot believe we are even at this position today.

I say to members opposite, you had choices. The member for St. Johns (Mr. Mackintosh) outlined them. There were mechanisms in the rules that could have been used to prevent this chaos in the Manitoba Legislature. You could have, even today, allowed us—you know, we are only a minority in this House. Although we do speak for the majority of Manitobans on the sale of MTS, we are only a minority in this House.

What is most appalling of what happened is we were not even given the right to speak earlier. I regret having to raise my voice and attempt to be heard; I do not like being in the position that I found myself in. But do you know what, Madam Speaker, and I know I speak for every member of this Legislature, we make no apologies for fighting for our democratic rights in the Manitoba Legislature.

The principles of Canadian parliamentary law are, Citation 1 of Beauséne, to protect a minority and restrain the improvidence or tyranny of a majority. Indeed, if you read Beauséne Citation 2, Procedure in the Canadian House of Commons, which is echoed here in Manitoba, it is derived from many sources, the Constitution Act, under the Constitution, formerly the British North America Act—under the Constitution of Canada. Our system is derived from the parliamentary system, a system that goes above rules.

You know, I feel rather frustrated in a way when there is such a lack of understanding in this House by members opposite. We have rules. We have provisional rules. We have rules that were in place before the provisional rules, and I regret with all my heart that so many of us spent so much time, Madam Speaker, attempting to bring some improvements to our rules. I say, I regret that, not that it was not a noble attempt, because this whole process was derailed, I believe, by a distinct element not

only of distrust, but in the case now, and I point the finger to the Premier (Mr. Filmon) on this one.

\* (1630)

On November 7, when we still had the bill in committee, when we had major amendments that were not made to the bill selling MTS, affecting a \$700-million pension plan, almost as big as the sale, it was the Premier, on November 7, who said all the rules and agreements were off, not a member of this side. Was it not obvious that what we required at that time was time? Was it unreasonable for the opposition, in this case, to speak on behalf of the 6,000 Manitobans affected by the transfer of the pension? Was it unreasonable for us to ask that we be given the opportunity to debate this issue on behalf of the two-thirds of Manitobans and the 78 percent of rural Manitobans who oppose the sale of MTS? Madam Speaker, is it still unreasonable for us tomorrow to expect a little more than the 20 to 25 minutes of debate on third reading we will get, if the government House leader does not ring the bells again and prevent us from not only being able to debate on that bill, but to have Question Period? I do not think I have ever been in this House when we have not had a Question Period. What will this government not stoop to in order to accomplish its goals, the means and the ends?

But you know, after November 7, there was an opportunity for cooler heads to prevail. It would have taken time. I think anyone could recognize why an opposition supported by the people of Manitoba would want time to debate the bill, but the government, Madam Speaker, would not even on the day they came back in allow us to have an opposition day on the subject of MTS.

They then spent the week, a new tactic that we saw earlier today—I remember days when, I must admit, when you are in opposition at times you do get accused of obstructionism. We have seen, since November 7, government obstructionism. That is what we have seen in this province. I mean, they proved how tough they were. They came in, and they just shut it down.

The government shut down the House, and they accused us of following the rules. How terrible, we were following the rules, but the most heinous strategy they followed is when the government House Leader—I do not

mean this as disrespect to the government House leader, who I have had some dealings with and have found in those dealings to be a man of some honour, and I assume that the script was written out of the Premier's Office. I think it is pretty clear.

What was interesting, they came in and moved a bogus point of order, Madam Speaker. You did not even bother. That is another time you broke the rules. Points of order are not moved in anticipation. They moved it and you allowed them. Surprise, surprise. You brought in a ruling on Thursday that was everything they always wanted and then some. You said in your ruling, well, these items can be dealt with through discussion amongst House leaders. Until yesterday the government House leader (Mr. Ernst) had not talked to me since November 7, and the government House leader's role is to deal with the government business, and if they decided not to speak to the opposition I guess that was their way of punishing us once again. That was regrettable.

But do you know what is interesting, Madam Speaker, is that there was no effort on your case. I have sat here in the House when Speakers have said, do not dump this on me, go and resolve it yourself. Speaker Rocan did that on quite a regular basis. I did not always appreciate that in the sense that there were times I would rather have seen a more definitive statement from the Speaker, but you did not choose that option. You also in your ruling stated the government had others options. They could bring in closure. They could extend the sitting. You did not say go back and resolve it, you do not need to get the Speaker involved. What happened is you said, you could have done it this way, you could have done it that way, but since you have asked I will bring in unprecedented rules, I will enforce closure for you.

What you have said, what you have done today—and I said on the record, every member of this House has called this cowardly closure, Madam Speaker. I look at the Premier when I use the word “cowardly.” You would not even say—you know the Premier, and by the way this is the same Premier who a week before was saying, well, we can sit here in December and January. Actually, he was the one that wanted to extend the sitting. Boy, oh, boy, I mean, they must have—they probably thought they had it just like that, the night of the evening committee. They thought they had that one lined up too. You may recall that at 3:22 in the morning they were going to finish the

public presentations—nine o'clock in the morning, even though members of the public were coming in the next day, they were going to ram it through. You know what? They did not have their amendments ready until that night. If there is anyone responsible for the delay in the sale of MTS, it is the incompetence of the government.

Madam Speaker, at that time they thought they had, it was 3:22 in the morning, we were tired, but you know what we did? We used the rules, we relied on an impartial Chair who actually recognized us, and I give him credit for that. I know he is a fierce partisan at other times, and I do not mean to put him on the spot because he did act in, I think, a very courageous way. He recognized, made move a motion, and then allowed me to speak until the new committee time at nine o'clock in the morning. You know what? I talked to a lot of people after that, and I know I was given something of a nickname as a result of it. I took that as a badge of honour. Coming from the North, we are not many but we sure can be vocal if the occasion warrants it. So I accept that, the northern wind. Also being half Welsh, there are many orators, I know, in the British Parliament, Bevan being—Lloyd George, even Neil Kinnock, and I will not reference what Neil Kinnock was called. It was Welsh wind and something else. I know when I go back to visit my relatives in Wales I will take that as a badge of honour.

Madam Speaker, there is nothing wrong with debate, even six hours of it. That is part of the parliamentary system. What I found, the reaction to that, was I have never had so many comments on anything I have done. I have had people come up to me and even say, they do not necessarily agree with what our position on MTS is, but they do not agree how the government is handling it and they like the fact that we are fighting on behalf of Manitobans. That was the right way to deal with it.

I will tell you what was the right way to deal with it as well. It was on Thursday, November 7. What happened on Thursday, November 7? Because of our efforts in committee we had the government for the first time actually meet with all the parties to the pension issue. They had not even met with one of the unions involved, and I want to publicly credit again the Minister of Northern Affairs (Mr. Praznik) and the Minister of Finance (Mr. Stefanson) who signed a memorandum of understanding on Thursday night which I believe was

tabled at approximately 10:30 with the three unions representing existing employees and Mr. Restall representing retired employees.

You know how this all started? It was when the Premier (Mr. Filmon) could not accept that everything was not going to be pushed through on November 7 even though in our rules and all our discussions we acknowledged that not every situation was alike and there were abnormal situations. Even though the bill was still in committee, somehow the Premier thought that the committee would just kind of disappear.

You know what was interesting on November 7? They called the committee meeting for the following day, and there was some dispute in the House, but it all came over the timing, not whether the committee should meet. It is interesting because I have said this, Madam Speaker, this is how sad the current situation is. The committee completed its work on the Friday, indeed a day after November 7, but that was not good enough for the Premier. I guess he thought that we should have called Friday retroactively Thursday or somehow should have dealt with the committee proceedings after the bill had passed through the House.

\* (1640)

Madam Speaker, I know the Premier knows nothing of the rules of this House. He demonstrated this through his actions on this matter today, but you cannot do that. We have rules, we have procedures, and I stress again, for those who have not followed the proceedings, that it was the government that delayed bringing in the amendments. They did not bring the amendments in until two days before they expected the \$700 million pension plan and the \$1.5 billion sale of MTS to go through.

I was amazed November 12 when I came back, and I must admit I thought that there would be some discussion. I always think—was it Lyndon Johnson who talked about jaw-jaw and war-war; jaw-jaw is better than war-war? It is always better to talk. It is always better, and I have always believed that as House leader. There was no discussion. The government decided that they were going to punish us. They did it deliberately on the Opposition Day, and, boy, did they do it. I guess they must have really felt good about it when they got that

point of order adopted as your ruling last week, Madam Speaker.

Do they feel proud of that today? Can anybody be proud of this situation? I think not, Madam Speaker. I have never seen a situation like this, not only in this Legislature but in any Canadian jurisdiction. I saw this Legislature through the tough times of the French language dispute in 1984, and you know what is interesting, the howling and screaming of the Premier at the time, and what had the government done? It had moved motions out of the rule book, gave his question on closure, did not ask in this case that new rules be invented, and I will tell you, there was pressure on the Speaker to stop the bells. The Speaker said no. What happened after that was the government said, we cannot get this through, and it did not proceed.

Regardless of the merits of that or not, I find it amazing that a Premier who criticized a government at the time to work within the rules now sits there and has you, Madam Speaker, as part of this bogus point of order that invents rules. I say to you, where do we go from here?

The first point, Madam Speaker, I want to say on the record is we cannot function in this House in any legitimacy on Bill 67 from this point of time on forward. Bill 67 went through the report stage illegally without the acquiescence or involvement of the official opposition. There was no legitimacy to the proceeding, and I point again to the at least half a dozen times that you broke the rules, not even including the question of the ruling itself.

How are we supposed to proceed as a Legislature, Madam Speaker? How are we supposed to proceed as a Legislature in this province? I ask that question, because so long as a cloud is held above this Legislature and particularly the Speaker's Office, we in the opposition can have no confidence in the functioning of this Legislature.

Madam Speaker, I urge you as a matter of conscience to reflect on your actions today because, you know, I have seen in the last period of time a defence minister, nationally, resign over, what, signing a letter inadvertently which contravened guidelines. That was a person of conscience. I have seen Jean Boyle for weeks who went and withstood pressures, said he was not going to resign. He listened to his conscience and he resigned.

I remember days in which the parliamentary system was based on honour, not the courtesy of honour but the honour that we all in this Legislature respected, the Legislature itself and the centuries of parliamentary tradition. Madam Speaker, I point to what I said earlier and I have said in the past about Speaker Beaudoin, the pipeline debate. Do you know what? Speaker Beaudoin ended up—he had to listen to his conscience for the rest of his life. It was the first time a Speaker had ever been censured in the Canadian parliament.

Do you know what is interesting is even that Speaker did not do what you did today. No Canadian Speaker in history has ever brought in closure, Madam Speaker, something you did today on two votes. Not only that, you did not even give us the opportunity you have with closure. Members opposite wish to read the rules, closure requires notice, it does allow for debate to continue until two in the morning—two in the morning. Do you know what is interesting, the member for St. Johns (Mr. Mackintosh) was not even allowed to speak more than one minute on the amendment. He had 19 minutes out of his 20 minutes remaining today. You would not even give him the chance to speak. You would not even recognize him on a matter of privilege in regard to his right to speak.

In fact, Madam Speaker, if I had had the opportunity, I probably would have moved a motion that the member be heard, which is in order, which is always in order prior to a vote. You would not even give me that opportunity. What you have done to this House and what this government has done is far worse than the pipeline debate of 1956. You have, and this government has, destroyed the very fabric of this House.

I asked the question, why? There were so many chances to turn off this road, the ruination of Manitoba's democracy. We had so many exit ramps as the Leader of the Opposition (Mr. Doer) talked about. We had exit ramps on the 7th. We had exit ramps the 12th of November, the 13th of November, the 14th of November, the sitting from the 18th and 19th, the 20th, 21st.

We had opportunities even on Monday, and I do not know how you, Madam Speaker, could not have ruled on the matter of privilege we brought forward on Monday. We stood back even though we were the aggrieved opposition, and what did we do? We stood back, we

considered what had happened, and I do not think what happened that Thursday gave any of us any cause for any pride in what happened in the Legislature.

On that Monday, the member for St. Johns, the former Deputy Clerk of this House, raised a matter of privilege to do what? To censure the government? To censure the Speaker? To commit this matter to the Committee of Privileges and Elections. Madam Speaker, you could have ruled at that time.

But I respect the fact it may take some time to make rulings. Madam Speaker, the appropriate time to make the ruling was on Tuesday, yesterday. You made the ruling on my point of order which I moved at 10:45 last night, and you made the unprecedented step of giving a ruling today, but you did not rule on the matter of privilege. You refused to rule on it when indeed any ruling on that matter of privilege from this point of time on is irrelevant, and a matter of privilege requires not only your impartiality and your exercising of the authority.

Madam Speaker, if you look at the very basis of privileges of the House, you have to be responsible for reflecting upon all our rules and following them out not only in the written form but the spirit of it. In the case of the matter of privilege, when we held out one last chance for this session and the debate on Bill 67 to be dealt with in a civilized, orderly, democratic fashion, first the government House leader spoke against it, so the government does accept some responsibility for this; and, second of all, you did not rule on it. You chose instead to bring in the point of order today, and we were unable to even get the matter of privilege dealt with prior to the two votes.

It does not matter what you do now, Madam Speaker, on that matter of privilege. You can bring it in after this matter is dealt with. You can bring it in in future sittings, although I suspect I suspect it may be another Speaker bringing this matter in, and I say that I hope, and I say this to the Premier (Mr. Filmon) as well, that we will get some support for, I think, the only way in the future to get any confidence back in this House—and I want to indicate that we will be bringing in first reading tomorrow of a bill that will seek to establish that the Speaker's Office is to be selected, the Speaker will be selected by direct election of all members of the Legislature of Manitoba.

\* (1650)

Madam Speaker, I mention about that one last major chance on Monday, and I want to stress again that the government House leader on Thursday had already said we were headed for anarchy. Is that the course they wanted? Why did the government members think we raised that matter of privilege? Why would we want this referred to a committee? There was no discussion ongoing amongst the House leaders, and I recognize the degree of distrust that developed in this Legislature as a result of that, but we wanted to put out one last opportunity for this matter to be dealt with in a fair, civilized, rational, democratic manner. That was probably up until even today. The final turnoff was today.

The government House leader could have done something, could have done anything, to head off this impasse. I want to indicate on the record I was very surprised because we had indicated a willingness to sit within our rules, no violation of notices, on two evenings, and I would note for the record that I believe we got through about, maybe, not half of our amendments, approximately half. We had debate and we had votes. Members opposite participated in that debate, Madam Speaker. It was a functioning Legislature in those evening sittings. Even yesterday there was some excellent debate.

Madam Speaker, I do not know what happened today. What I found particularly offensive was that the government was so desperate that it had to use obstructionist tactics, ring the bells. They rang the bells twice. They rang the bells twice in order to make sure that we did not get the floor on a matter of privilege or that we did not get into Question Period, because you know what? I think a lot of Manitobans will probably be asking the question tonight, did the government really shut off Question Period?

**An Honourable Member:** We are lucky we had the prayers today.

**Mr. Ashton:** Indeed, Madam Speaker, it is lucky we had the prayers. I mean, at least they gave us the prayer. No petitions were read, no introduction of petitions and no Question Period, but, you know, this was all political optics. I do not know who came up with this brilliant idea in the Premier's Office but, you know, what is

interesting, they must have said, oh, we cannot have the vote take place during Question Period. The public will not accept that, but boy are we every going to show them. They will not even get Question Period. I think there is the same authorship on this, the kind of authorship that led to the point of order and the problem of notice that sunk Meech Lake. I see a certain similarity here, an echo.

Madam Speaker, did anyone on that side think that the public would accept that? Do they really think that they accomplished something by blowing Question Period off and having this vote? I have never seen the government House leader jump up to have a recorded vote on a matter of challenging the Speaker. It was absolutely incredible. I noticed the moment you sat down and we had the vote was the moment the Speaker stood up. I hope the government House leader had no idea that that matter was coming in, because I have never, ever seen—and it is interesting, because you could have ruled after Question Period, prior to Orders of the Day, at which time the government House leader could have called the Opposition Day motion. You did not have to bring that matter in at 1:30, and it has never been the practice to bring in rulings until after Question Period.

But, indeed, Madam Speaker, what would have happened if the ruling came in after Question Period? We would have had Question Period and we might just have had the opportunity to get recognized on a matter of privilege. If there was anything in today, above and beyond the six rules that you violated that shows the reason why the motion I will be moving should be adopted by the House calling for your resignation, it is because through your actions today you denied us the opportunity to have Question Period and repeatedly you denied us the opportunity to move matters of privilege. That is unacceptable to the opposition.

It is interesting, Madam Speaker, because I am just trying to think how the government is going to explain this tonight, in the next few days to Manitobans. They have their convention coming up. They might be able to explain it there. Now, I will tell you, if they attend the UMM convention tomorrow, I want to see them explain to the UMM or even tonight what happened, the UMM, which opposes the sale of MTS. I am speaking on behalf of all those rural Manitobans. I cannot explain it to them, but how are they going to explain this to ordinary Manitobans? You do not have to know anything about



parliamentary procedure, Beausnesne or Erskine May or Bourinot or Maingot. You do not even have to know our rules..

Madam Speaker, I do not know of any organization in this province where what we saw today could or would ever happen. I do not know a school board, I do not know a city council, I do not know any town or village or rural municipality or any Northern Affairs community or any First Nations community which would function in this manner. I do not think corporations would even function in this fashion. There is a certain sense of fair play that goes beyond even the rules. I know of no organization that would allow the chairperson to do what the government has gotten you to do today, no organization where you would not even recognize us to speak.

Madam Speaker, if you need any other and if Manitobans need any other recognition of why this is clearly a matter of privilege, you should reflect on Beausnesne's 75 regards to privilege: The privilege of freedom of speech is both the least questioned and the most fundamental right of the member of Parliament on the floor of the House and in committee.

Madam Speaker, the British Bill of Rights, which is the source of Canadian parliamentary law, has declared that freedom of speech, debates or proceedings in Parliament ought not to be impeached or questioned in any court or place outside of Parliament, 1 William and Mary session, 1689.

Madam Speaker, the privilege of freedom of speech has been reaffirmed by the courts, Beausnesne 76. You have violated today our fundamental right, freedom of speech. This was not a debate in which you as Speaker had the option of not seeing a member. I would note that while there have been occasions when Speakers have not seen members, I have never seen a situation in which a Speaker has not seen an entire political caucus of 23 members. You had no right. You had no option. You had no discretion. You had to recognize the matter of privilege that I attempted to raise repeatedly and which the member for St. Johns (Mr. Mackintosh) attempted to raise repeatedly.

Madam Speaker, I do not know what we are supposed to rely on now. I suppose there may be some sense on the

government side that they are being gracious. They actually let us speak on this matter of privilege after they ram through the two votes. It is let the horses out and then we will close the barn door. The same way they wanted to pass the bill and get it through committee a day later, but we cannot function under these circumstances. What you have done today will never stand as a precedent in this province. It was illegitimate and illegal, and if we have to, get these matters expunged from the record, we will. I say to the government and I have said this before, any government is a temporary government. The way this government is behaving I think they are putting a great deal of emphasis on the temporary part, because I assure you with this kind of undemocratic action from the Conservative Party in this Legislature that there will be a future New Democratic Party government that will bring fairness back to the Legislature and will expunge these rulings from the record.

Madam Speaker, what options does this House have? Do we sit here and assume that nothing has changed? Do we walk out and say, oh, well, these things happen? When you get down to how you deal with this as a House, there are only a handful of options available to us. I mention one. Just ignore what happened to say, oh well, too bad, it does not matter if those proceedings were legal or illegal, legitimate or illegitimate, and I am sure government members will go back in the caucus room and say, boy, we sure showed them.

\* (1700)

Slight problem, Madam Speaker. There are two problems. Watch out for court action. You have already got a court case being filed on the constitutionality of this decision, been filed and I believe it is going to court on Friday. If I was the lawyer presenting that case, I think I would have quite a bit more ammunition as of today. Madam Speaker, we have the absurdity of the government having a leaked prospectus all over the front page of the Free Press. I wonder if there might be legal action with regard to the prospectus. We are seeing now, serious legal questions raised by First Nations. I wonder if there might be legal action launched by First Nations.

Madam Speaker, I warn members of the House that if there is any way, shape or form that Manitobans can find any legal proceedings to arise out of this matter, out of

this illegitimate proceedings, that this whole question of the sale of MTS will be put into question.

I say to Manitobans today—and it is interesting because earlier today we had another reason, something we would have raised in Question Period if we had one. We would have raised some very serious questions about why the government is ramming through this bill today. You know, it is funny, I have talked about the ratepayers and the people of Manitoba. Let us talk about the shareholders of this future company, if it gets through the Legislature, and it ain't over yet. It ain't over till it is over, and we are not giving up the fight. We are going to continue to fight to defeat Bill 67.

But let us take it to that point because what is going to happen is going to be very interesting. There are going to be major regulatory changes to CRTC to define rates, including the question of privatization. An analyst we talked with on this said, you know, you will not really know what is going to happen with rates and the value of the shares and potential dividends in the future until those regulatory changes are made. If I was a Manitoban and looking at buying MTS shares today, I might see some advantage to having this matter not dealt with for at least several months.

Now there are some suggestions from the UMM, the motion I believe that calls for this matter to be put on hold and sent to public hearings. Let us do it, Madam Speaker. You know, I may have erred before when I said this was heading into the abyss. There is still one more chance for this government. They can, if they want, table Bill 67, not proceed further with Bill 67, put it on hold, put it on hold for three months or six months, bring it back in the next session. What is the problem with doing that? Are the Bay Street brokers going to be so upset? I understand that the brokers that are going to be selling it will lose money. They will not make the profit at our expense.

I know that there are Conservative members of the Legislature who yesterday voted down an amendment that would have prevented them from being able to pocket profits at the expense of Manitobans through the sale of MTS by buying shares, a share issue that they are setting the price for. I understand there are winners and losers in this. I am making a list here. Losers—if we put this on hold. The losers are what? The stockbrokers—this is if it

is on hold—Tory MLAs, friends of Tory MLAs, Conservatives—well, I am including people referencing in that particular description. Who will the winners be? The people of Manitoba will be the winners if we do not pass Bill 67

Madam Speaker, I tried a thousand different ways to appeal to members opposite. I have talked to members opposite on the bill and procedures on the bill. I have used precedents that go back to the 13th Century. I have talked about precedents in the House of Commons earlier, talked about Beauchesne, Erskine May, talked about our rules, but if none of that works, I want to appeal to the sense of fairness and the conscience of Manitobans. I say to Manitobans today who might be watching the proceedings that took place today or watching it now or listening to it or hear about it in the future. It is up to Manitobans to speak out.

This was not a good day for the Manitoba Legislature. It was a terrible day. People call it black Wednesday. certainly, it is a bad day for the Manitoba Legislature. but I say to Manitobans it is a bad day for this province when one of the institutions—I say this as someone who has always had faith in the democratic process. It has not been easy sometimes. There is a lot of cynicism out there about the political process and politicians.

I will tell you, after the action of the government today, cynicism will rise to an all-time high. I have talked to Manitobans just this last few weeks—well, we all have. We have talked to them for months and even today, and do you know what they are saying? They are saying, you know, it is sad that we have a government that just does not care, does not want to listen, is arrogant and is undemocratic. I have never had so many phone calls from people. I think every member of the Legislature on our side, e-mail, people walking, you walk on the streets and people say, keep it up, keep fighting for us, people at UMM are saying, keep up the fight to save MTS. But do you know what has become apparent, Madam Speaker, we are not just fighting to save MTS, something that has served us so well since 1908, we are fighting to save the democratic process in the Manitoba Legislature in the Province of Manitoba.

Madam Speaker, I want to urge you, when I move my motion, which I will be doing, to consider on this because we have seen, in the past, motions voted down in matters

of privilege by the government members. This motion is very direct, and it is with regret that I move it and I will be moving it in a few minutes. It is very direct and it is calling for you to resign, but I would say the honourable thing to do would be to resign before this matter is dealt with. I would suggest the appropriate thing to do would not even be to put this matter to the House, although it is your obligation to do that, if that matter is, which it is, a very legitimate matter of privilege. Just as the Minister of Defence, just as the Chief of Staff Mr. Jean Boyle, even Sheila Copps—well, no, I should say, I want to correct my colleagues, if anybody was to follow Sheila Copps' example in resigning, it would have to be the Premier (Mr. Filmon) for not telling the truth to the people of Manitoba in the election about MTS, and actually after today I think he should perhaps call Sheila Copps and find out how she did it. But I would suggest to you that would be the appropriate thing.

I want to say to the government, too, they have a choice. If they want a mandate from the people of Manitoba to sell off MTS, well, they have got two ways of doing it and actually at this point in time, there is only one left, since they would not even allow our motion on a referendum, a shareholders' vote to be put on the floor of the Manitoba Legislature yesterday, even though it was accepted in committee, by leave of the committee, they would not even allow it go to a vote. Their one last chance. You know what their choice is, Madam Speaker, they want a mandate to sell off MTS? Call an election, let the people decide. I will make a prediction, I do not think they are going to follow that route, and I wonder why they might not do that. Well, we can talk about lack of honour and sense of a democratic system.

I can tell you it is not just MTS they would have to deal with. You know, can anyone ever forget the, sort of, we are going to save the Phoenix Coyotes, I mean the Winnipeg Jets—pardon me, they were the Winnipeg Jets at the time. Remember when the Premier was out of the loop on what was going on in the Winnipeg Jets until three days after the election?

\* (1710)

**An Honourable Member:** No, the day after the election.

**Mr. Ashton:** Well, the day after. What are they going to run on? Health care, trust us, you know we are not

going to privatize home care. What are they going to run on? We know they are not going to run on education, that is for sure. What will they have to run on? I know they will run around the province and they will say, trust us, we are not going to sell off Manitoba Hydro and Autopac. Who is going to believe them on that one? So we are in a dilemma here. Everybody in the province knows if there was an election today, this government would be turfed out, and do you know what, Madam Speaker?

**An Honourable Member:** Brian Mulroney.

**Mr. Ashton:** Well, you know, somebody is mentioning Brian Mulroney, and we are safe in this House, we cannot be sued for mentioning his name. Who can forget Brian Mulroney? I know a lot of people would like to forget him. He led his party—actually, he left before he had to lead it to the final ignominy. How many seats did they win in the last election? Two seats, two too many. They had people running around the yellow dog ridings of Manitoba. That is what they used to call them. The Tories used to call that, where you could elect anybody if they were a Conservative.

**An Honourable Member:** Nathan Nurgitz.

**Mr. Ashton:** Yes, Nathan Nurgitz. Ah, those famous words of Nathan Nurgitz. I want to say to you, Madam Speaker, and I want to say to every member opposite, you can run, you can only hide though so long. When it comes to an election, we are going to fight every 57 of the constituencies, and do you know what? We are going to win in a lot of those areas that have been held by Tories for decades.

What this government is doing is betraying the people of Manitoba. And what is sad, sad, sad is, do you know where they are starting? They are starting with rural Manitobans. Look around their benches. How many rural representatives sit on that side? Madam Speaker, how many rural Manitobans oppose the sale of MTS? What is the percentage?

**Some Honourable Members:** 78 percent.

**Mr. Ashton:** Well, 78 percent, but that was two weeks ago. It is probably a lot higher now. They are starting to hit that level—I keep mentioning in all my speeches—you

know, their support in rural Manitoba for the sale of MTS is starting to get lower than the number of people who think Elvis is still alive; think the Earth is flat. Actually I think there was a connection there. You know, the people who support the government on MTS are probably the same people who think Elvis is alive and believe in a flat Earth, and it is interesting, most of them sit in this room. They are getting to the point in support of the public where once you get beyond Tories and friends of Tories who have got government contracts, there is not much higher percentage in that. Do you know, in rural Manitoba I think 15 percent is pretty rock bottom? That is probably where it is at today. 15 percent supporting what they are doing.

I know they are afraid to face the people. They have not had a single public meeting on the Manitoba Telephone System anywhere in Manitoba. We know they are not going to; they are going to hang in there. I predict they will dig their fingernails in right until the last bitter moment, just like Grant Devine, Brian Mulroney. Where are they now? Kim Campbell, does anybody remember Kim Campbell?

It is interesting, because the Premier by that time may pull a Brian Mulroney, not even face the people of Manitoba in another election. And I wonder who the Kim Campbell of the Conservative Party will be in the next election? How many volunteers are there to drink the Kool-Aid, to use the terminology that was put forth.

Madam Speaker, though, if they are not going to call an election, where do we start in picking up the pieces? The only way to bring back sanity is as follows. I mention on Bill 67, put it on hold. You can do the people might who might even buy shares a favour. If you do not care about Manitobans, wait until the rulings of CRTC set the rates and people know exactly what they are buying into. That is an option. Put Bill 67 on hold.

I remind the Premier (Mr. Filmon) the way the province went around its business after the great controversy, the Constitutional question in 1984. Put it on hold. We will wake up the next day. Indeed, I mean, we will wake up the next day; things will still be normal; the world will not come to an end. I realize you will get some nasty calls from Bay Street, but I will tell you what. You will be a hero on Main Street, Manitoba, if you drop Bill 67.

That is more important. That is No. 1 in a plan we can put forward to save the province.

Number two, Madam Speaker, we need a new Speaker in this House. We have tomorrow an opportunity. We need a Speaker elected by all members of the Legislature who represents all members of the Legislature. If there is one thing I regret, it is at the beginning of this House. I know at the time there were some people who said since we were not consulted in the selection of the Speaker, we should raise that. I was one who said give the Speaker a chance. I am saying this on the record because I am sure some of my colleagues will remind me of that.

I regret that because we have seen cases, unprecedented in Canadian history, in terms of use of terms. We cannot use the word "racist" in this House even to apply to a government policy, not an individual, but a government policy. Something is unacceptable. I know, Madam Speaker, and people reference the 1930s in Germany, under those rules you could not have called the Nazi Party a racist party or its policies racist. In a commonwealth Legislature, the Legislature of South Africa, when the government brought in apartheid in 1949, the few remaining voices of conscience in that parliament could not have called apartheid a racist policy, and I know that the apartheid policies of South Africa were based on the reserve system that First Nations have been faced with for more than 100 years. That was bad enough, and you saw how we responded to that. That was enough of a denial of our freedom of speech.

But, you know, Madam Speaker, even I never thought we would end up in the situation we are faced with today. I thought, well, that is bad enough. We cannot use terms like "racist." I never thought I would be in this House on a day in which I as a member of this Legislature could not bring in a matter of privilege on a very important matter, where I as a member of this Legislature had to plead, to yell, to walk, and I note for the record, and this is important, but not out of courtesy to the current Speaker but out of courtesy to the Speaker in this House, we did not cross between the table, the mace, the table. We honoured that. We honoured the office of Speaker even though you, the Speaker of the day, have lost our confidence. When the member for St. Johns (Mr. Mackintosh) walked over as he did, he was within every single rule, every single tradition of Parliament. He, even though it would have been awful tempting for members

in the heat of the moment to do something more dramatic, even though it would have been tempting, we followed the rules of the Parliament and the Legislature. We followed the rules.

\* (1720)

Madam Speaker, we are even still following the rules of the Legislature, even though you denied us repeatedly earlier today for rising on a matter of privilege, because we cannot allow this to continue. I say to you, and we have not given up the fight yet, but if you do succeed in ramming this bill through, and I say that collectively, you, to all 31 members of the government, you will never have the confidence of this House in any future sitting, whether it be tomorrow or next week or next year or in the next century. You have chosen, this government has chosen a one-way street. It has reached the point of no return from the office of the Speakership, so you must do the honourable thing and resign. I say that I hope there will not be some future resignation of the Speaker in which the Speaker then as a sitting MLA will receive some other appointment by government. That would be the most odious development of anything. You have violated every tradition of the Speakership. I hope there is no consideration on the government side, the greatest beneficiary of what has happened for any reward, Madam Speaker, in any future appointment that would involve yourself. I say that because—and I look to the Premier (Mr. Filmon)—what he has done is odious enough. Do not add that final insult to injury. I say there is a lot of regret in this one, and we face some difficulty in dealing with this matter, because I do blame you for your role in this matter. I also blame the Premier. He put you in this situation. He let you go out the gangplank, further and further out. You were at the end of that gangplank. I wish we could move in this House to take action, to call for the resignation of the person who really should be resigning over this disgraceful episode, the Premier. If he has the courage, which he has not shown today, to face the people in the next election in Manitoba, the people of Manitoba will get rid of the Premier and this corrupt government. We will bide our time but we cannot allow this situation to apply.

That is why I say to you, and I will be moving this motion, please spare us the difficulty that we are going to be faced with here of dealing with the motion once again which indicates how little faith the opposition has in the

current occupant of the Speaker's chair. I want to say our opposition is not to the role of the Speaker, quite the opposite. I believe fundamentally that the Speaker protects the rights of all members. The Speaker is the servant of the House. The Speaker is fundamental to the parliamentary system. The Speaker listens to all MLAs and acts in a fair way that reflects all their rights. But you know, Madam Speaker, the Speaker is also the symbol of this House to Manitobans. Well, the Speaker's office is a symbol to Manitobans.

What kind of symbol do we have today? There is not a single Manitoban that does not know that the Speaker has brought in closure in the House today at the request and behest of the government. In fact, what has happened has been worse than closure. You denied us the right to even speak on those matters today. Indeed, Madam Speaker, tomorrow, Thursday, how much time are we going to have on third reading? Well, the government might be generous. They might not try and ring the bells. We might get 25 minutes. We might even get a Question Period if they decide to be nice to us. [interjection] Yes, we might even get a prayer. But I say to the government members opposite, we are not going to come begging to the government for our democratic rights. We demand our rights in this Legislature.

Madam Speaker, that is why I will move this motion which is clearly being moved at the first opportunity—well, the first opportunity not including the six times I was denied that opportunity. I wish to move this matter of privilege, and I urge you to do the only thing that is appropriate in this case as has been the precedent in other cases involving the Speaker, and that is to put this matter to the House and to have this matter debated by all members of the Legislature.

That is why I move, seconded by the member for Concordia (Mr. Doer),

THAT the Speaker be removed from her position, and that the passage of this motion by the House would require the Speaker to resign immediately.

**Hon. Jim Ernst (Government House Leader):** Madam Speaker, the member for Thompson (Mr. Ashton), once again with an impassioned, eloquent speech with regard to the sale of the Manitoba Telephone System, but precious little about the situation that has

occurred. I have heard that speech now three or four or five times; that is not something that is particularly new. But there is a great deal to be said and a great deal to be rebutted with respect to the issues he has raised and the accusations he has raised against your office. If I do not get the chance this afternoon, I will take that chance tomorrow, because it is important that we deal with each of those accusations and questions that were raised by the member for Thompson because he is way off base.

Madam Speaker, on a point of order raised by myself some week and a half ago, you made a ruling, and members may not like the ruling, and that is their right to

not like the ruling. But the fact of the matter is it was sustained by the House; in accordance with the democratic process, that ruling was sustained by the House; and, because it was sustained by the House, it has the full force and effect and an expectation by all members that you will enforce that ruling.

**Madam Speaker:** Order, please. Because this a very serious matter, we will continue the debate on this tomorrow prior to the Speaker making a decision.

The hour being 5:30 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, November 27, 1996

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