

April 15, 1993

EVENING SITTING

The Speaker: — Before we recessed this evening we were on the orders of the day.

Mr. Toth: — Thank you, Mr. Speaker. Mr. Speaker, before orders of the day I have a point of order, and my point of order relates to the promptness necessary for raising points of order.

Mr. Speaker, yesterday the Speaker properly ruled that a point of order must be raised promptly. And that does lead to a separate point which is this: some points of order are based on the contents of a Bill. At first reading the contents of the Bill are not known and therefore cannot be challenged for being outside the rules.

Therefore, Mr. Speaker, the case is that a point of order on the contents of a Bill must be raised at first reading of the Bill. The Assembly effectively finds itself unable to challenge the contents of any Bill which clearly is not the intent of the rules nor am I sure was it the intent of Mr. Speaker's ruling yesterday.

Therefore, Mr. Speaker, I would ask that you rule that points of order relating to the contents of a Bill can only be raised at some time after the Bill has received first reading.

The Speaker: — I believe the member from Moosomin raises a good point of order.

Mr. Martens: — Mr. Speaker, I move this House adjourn.

The division bells rang from 7:03 p.m. until 7:13 p.m.

Motion negatived on the following recorded division.

Yeas — 8

Swenson	Toth
Muirhead	Britton
Neudorf	D'Autremont
Martens	Goohsen

Nays — 18

Van Mulligen	Murray
Tchorzewski	Johnson
Lingenfelter	Trew
Goulet	Whitmore
Kowalsky	Flavel
Mitchell	McPherson
Upshall	Crofford
Hagel	Harper
Koenker	Carlson

MOTIONS UNDER RULE 42

Hospital Closures

Mr. Toth: — Mr. Speaker, prior to orders of the day and pursuant to rule 42, I seek leave to raise a matter of

urgent and pressing necessity. As required by that rule, I will now explain the matter.

Mr. Speaker, this week the government announced the elimination of acute care funding for the hospital at Arborfield. This is creating a crisis in that community. There is a great deal of fear and we are being told that old people will have nowhere to go. This is an urgent and pressing matter and I therefore ask leave of the Assembly to move a motion regarding the crisis in Arborfield.

I now ask leave of the Assembly.

An Hon. Member: — Mr. Speaker, could I ask for clarification on the issue?

The Speaker: — No. Order. Order. Before . . . I need to see the motion that the member moved. Have we any extra copies?

Order. The problem that I have here is the practice of this House has always been under rule 42, that the member explains and then moves his motion and asks for leave of that motion. Otherwise the members don't know what the motion is, then they have problems to give leave. So if the member wishes to ask leave for the motion he must move his motion and ask for leave and then the members can say yes or no to the leave.

Mr. Toth: — Thank you, Mr. Speaker. I move, seconded by my colleague, the member from Morse, that under rule 42:

That this Assembly give time for debate on the closing of the hospital at Arborfield.

Leave not granted.

Hon. Mr. Lingenfelter: — Mr. Speaker, under rule 10 of the rules of the Assembly, I want to quote:

A motion for reading the Orders of the Day shall have preference over any motion before the Assembly.

Mr. Speaker, I would move:

That we now move to orders of the day.

An Hon. Member: — On a point of order, Mr. Speaker.

The Speaker: — What's your point of order?

Mr. Neudorf: — Mr. Speaker, it's abundantly clear in our legislative rules here that a motion such as that cannot be made before we reach the orders of the day. This is still prior and before orders of the day. So the member's point of order is not well taken at all.

The Speaker: — The explanation as to why the member's motion will not be accepted is that there is no motion before the House, and rule 10 clearly states there must be a motion before the House before this

motion on rule 10 can be moved.

Therefore I will not accept the motion from the Government House Leader.

An Hon. Member: — Are you still debating the acceptance of that motion?

The Speaker: — No. The problem I had . . . that two members in opposition were standing, and I didn't know which one to recognize.

Mr. Neudorf: — I apologize for that. In our eagerness to be active here, Mr. Speaker, for further consultation and so on, I move that this House now adjourn.

The division bells rang from 7:21 p.m. until 7:31 p.m.

Motion negatived on the following recorded division.

Yeas — 8

Swenson	Toth
Muirhead	Britton
Neudorf	D'Autremont
Martens	Goohsen

Nays — 18

Van Mulligen	Koenker
Tchorzewski	Murray
Lingenfelter	Johnson
Anguish	Trew
Goulet	Whitmore
Kowalsky	Flavel
Mitchell	Crofford
Upshall	Harper
Hagel	Carlson

Mr. Martens: — Mr. Speaker, pursuant . . . before orders of the day, I'll ask leave regarding rule 42. I seek leave to raise a matter of urgent and pressing necessity as required by that rule. I'll explain some of the details of the matter.

Mr. Speaker, this week the government announced that they were going to eliminate acute care funding for the town of Beechy in a community that is almost isolated on two sides of it, and I think that this matter is of great importance to the people of Beechy and to the community there. It's adjacent to my constituency. In fact, I only live a little ways from it.

There's a great deal of fear, and we are being told that old people will have nowhere to go. This is an urgent and pressing matter, and therefore I ask leave of this Assembly to move a motion regarding the crisis in Beechy. And the motion reads:

Due to the urgency of this matter, this Assembly move to debate the elimination of hospital funding for the hospital at Beechy.

I ask leave of the Assembly to do that, seconded by the member from Thunder Creek.

Leave not granted.

Mr. Neudorf: — Mr. Speaker, I move that this House adjourn.

The division bells rang from 7:34 p.m. until 7:44 p.m.

Motion negatived on the following recorded division.

Yeas — 8

Swenson	Toth
Muirhead	Britton
Neudorf	D'Autremont
Martens	Goohsen

Nays — 18

Van Mulligen	Koenker
Tchorzewski	Murray
Lingenfelter	Johnson
Anguish	Trew
Goulet	Whitmore
Kowalsky	Flavel
Mitchell	Crofford
Upshall	Harper
Hagel	Carlson

Mr. Swenson: — Thank you, Mr. Speaker. Before orders of the day, a point of order.

The Speaker: — What's the member's point of order?

Mr. Swenson: — Thank you, Mr. Speaker. My point of order regards decorum in this legislature. A few days ago you properly served rule that members should not refer to other members commenting from their seats nor include remarks that indicate the presence or absence of a member.

Mr. Speaker, yesterday in *Hansard* on page 981, you will find the Premier said, and I quote: "And the former premier confirms that right now from his seat . . ." Mr. Speaker, the Premier makes a very regular and frequent practice of referring to the comments of other members from their seats and using language that indicates their presence or absence in the Assembly.

Mr. Speaker, I ask that you rule the Premier also must obey your earlier ruling and that he stop this unparliamentary behaviour in this legislature.

The Speaker: — Order, order. I don't recall the exact reference that the member is referring to, so I will take his point of order under advisement and report back to the Assembly.

Mr. Martens: — Mr. Speaker, I move this House do now adjourn.

The division bells rang from 7:49 p.m. until 7:59 p.m.

Motion negatived on the following recorded division.

Yeas — 8

Swenson	Toth
---------	------

Muirhead
Neudorf
Martens

Britton
D'Autremont
Goohsen

Koenker

Nays — 17

Van Mulligen
Tchorzewski
Lingenfelter
Anguish
Goulet
Kowalsky
Upshall
Hagel
Koenker

Murray
Johnson
Trew
Whitmore
Flavel
Crofford
Harper
Carlson

Mr. Martens: — Thank you, Mr. Speaker. Before orders of the day and pursuant to rule 42, I am going to ask leave to raise a matter of urgent and pressing necessity. As required by that rule, Mr. Speaker, I will now explain the matter.

This week the government announced that the funding for acute care and for long-term care was going to be reduced in various communities in the province, and I raise this as a part of a problem that is coming to my constituency. We just opened a facility in the town of Cabri, and Cabri has a significant location problem in isolation related to other communities. And with this urgent and pressing matter, that I raise this matter today and ask that the Assembly give us leave to discuss the hospital funding for the hospital at Cabri.

I so move, Mr. Speaker, ask for leave, seconded by the member from Thunder Creek.

Leave not granted.

The Speaker: — I recognized the member from Morse.

Mr. Neudorf: — Thank you, Mr. Speaker, from Rosthern. I move that this House do now adjourn.

The division bells rang from 8:02 p.m. to 8:12 p.m.

Motion negated on the following recorded division.

Yeas — 8

Swenson
Muirhead
Neudorf
Martens

Toth
Britton
D'Autremont
Goohsen

Nays — 17

Van Mulligen
Tchorzewski
Lingenfelter
Anguish
Goulet
Kowalsky
Upshall
Hagel

Lyons
Murray
Johnson
Trew
Whitmore
Flavel
McPherson
Carlson

Mr. Martens: — Thank you, Mr. Speaker. Before orders of the day and pursuant to rule 42, I am going to raise a motion of pressing and urgent nature. And I will say to the Assembly that, because the announcement this week in the town of Vanguard seriously impaired the role of senior citizens to have care in a hospital that they helped build, therefore I move, seconded by the member from Thunder Creek:

That due to the urgency of this matter, this Assembly do now debate the elimination of hospital funding for the hospital at Vanguard.

Some Hon. Members: Hear, hear!

Leave not granted.

Mr. Martens: — Mr. Speaker, I move this House do now adjourn.

The division bells rang from 8:15 p.m. until 8:25 p.m.

Motion negated on the following recorded division.

Yeas — 7

Swenson
Neudorf
Martens
Toth

Britton
D'Autremont
Goohsen

Nays — 15

Tchorzewski
Lingenfelter
Anguish
Kowalsky
Upshall
Hagel
Lyons
Murray

Johnson
Trew
Whitmore
Flavel
McPherson
Harper
Carlson

Mr. Martens: — Before orders of the day, Mr. Deputy Speaker, pursuant to rule 42, I seek leave to raise a matter of urgent and pressing necessity as it relates to the elimination of funding for the hospital at Kincaid.

The area around the city of Swift Current is known as the health care district rolling hills, and in this area all of the hospitals except one have had their funding for hospital care reduced to zero. And that, Mr. Speaker, is going to be a serious concern, and it's a serious problem to me and to the constituents that I have. And therefore I move, seconded by the member from Thunder Creek:

That due to the urgency of this matter, this Assembly do now debate the elimination of hospital funding for the hospital at Kincaid.

Mr. Speaker, I ask for leave of the Assembly and then I'll present the motion as of.

Leave not granted.

Mr. Neudorf: — Thank you, Mr. Deputy Speaker. I move the House now adjourn.

The division bells rang from 8:29 p.m. until 8:39 p.m.

Motion negatived on the following recorded division.

Yeas — 7

Swenson	Britton
Neudorf	D'Autremont
Martens	Goohsen
Toth	

Nays — 18

Van Mulligen	Lyons
Tchorzewski	Murray
Lingenfelter	Johnson
Anguish	Trew
Goulet	Whitmore
Kowalsky	Flavel
Upshall	McPherson
Hagel	Harper
Koenker	Carlson

MOTION UNDER RULE 41

Extension of Sitting Hours

Hon. Mr. Lingenfelter: — Mr. Speaker, I would move, seconded by the member for Regina Dewdney, that pursuant to rule 41:

That this Assembly shall, following the adoption of this motion, sit until 1 a.m. Friday, April 16, 1993.

I so move.

Mr. Neudorf: — On a point of order, Mr. Speaker.

The Speaker: — What's the member's point of order?

Mr. Neudorf: — Thank you, Mr. Speaker. According to the rules of the House it is my understanding that there is no avenue for the member to get the floor in that fashion to make a substantive motion and therefore it's got to be out of order.

The Speaker: — Order. I'll recognize the mover of the motion and then I want to . . . That's frequently done in this House . . . (inaudible interjection) . . . It's frequently . . . Order.

Hon. Mr. Lingenfelter: — Mr. Speaker, the reason for moving this motion is as a result of the rules of the Assembly that on many occasions allow for the extension of hours to complete the work of the House. We have stopped the clock on many occasions in the past to allow for the business of the Assembly to be completed.

Mr. Speaker, under rule 41, and I want to quote the

total section because I think it's relevant:

Forty-eight hours' notice shall be given of a motion for first reading of a bill, resolution or address, for the appointment of any committee or for placing a question on the Order Paper; but this shall not apply to public bills, after their introduction, or to private bills, or to the times of meeting or adjournment of the Assembly. Such notice shall be laid on the Table and be printed in the Votes and Proceedings of that day.

Mr. Speaker, I'm not here asking, or believe that the rules or that the hours of the session should be set for long periods of time in this manner. But I would make a strong argument that rule 41 does allow by motion without leave, for the extension of hours in any given day to complete the work of that given day. And I would therefore ask you, Mr. Speaker, to look seriously at allowing us to extend the hours to 1 a.m. of the following day, that being Friday, April 16.

Mr. Neudorf: — Point of order for the second time. Thank you, Mr. Speaker. Traditionally it has been tradition in the House to extend the hours to 1 o'clock to 2 o'clock to 3 o'clock. That has been a long-standing tradition in this House and that has occurred on occasions where the opposition has agreed with the government that valuable business could be done by extending the hours and so-called in quotation marks "stopping the clock". That has always been done by unanimous consent of the House.

For the Government Leader to stand up now and continue to ram down the throat on the opposition unilaterally, a move to extend the hours beyond its normal hours without the consent of the opposition, without giving notice, there's no notice and the same 41 that he read, Mr. Speaker: "Such notice shall be laid on the Table and be printed in the *Votes and Proceedings* of that day", has not occurred either, Mr. Speaker.

So obviously this a usurpation of the business of the House in a blatant attempt for the Government House Leader to ram down further legislation down the throats of the Saskatchewan people by usurping the order of the House, the timely, orderliness of the procedures of this House, Mr. Speaker. The point of order cannot be well taken.

The Speaker: — I think I've heard sufficient on these points of order. I want to consult with the Clerk.

Order. This is a very, very important decision that I have to make. I do not want to make it lightly, and I ask the House . . . or I will inform the House that I am going to recess for a short period of time so I can consult with my Clerks on this matter.

An Hon. Member: — Adjourn and go home.

The Speaker: — No, I said I would recess this House for a very short period of time, and we will inform the

members when the House shall begin again. We will ring the bells to inform the members when the House shall reconvene.

The Assembly adjourned at 10 p.m.

The Assembly recessed for a period of time.

The Speaker: — Could I just ask the members . . . do we need a little more time for members to . . . We'll take a little more time for members to get here.

The Government House Leader, before we recessed, moved a motion, seconded by the Deputy Premier, pursuant to rule 41 that this Assembly shall, following the adoption of the motion, sit until 1 a.m. Friday, April 16, 1993, to which a number of points of orders were made.

The Opposition House Leader on a point of order stated that the member had no right to get the floor to move the motion. Superseding motions cannot be moved at this point, that is on order of the day because no motion is on the floor. However this is not a superseding motion, but rather is the kind of motion that is moved before orders of the day, that is one dealing with ordering the business of the House.

The important question here is whether the motion is permissible under rule 41 without leave or notice. On the surface rule 41 seems very clear. A motion for fixing the times of the adjournment of the House does not need notice and therefore can be moved without leave.

However, a review of the *Journals* can find no evidence of rule 41 ever having been invoked to move a motion of this type. Instead, as the Opposition House Leader has pointed out, extended sittings on a particular day have traditionally been accomplished by unanimous consent. This is the practice of stopping the clock.

But what would be the effect of allowing a motion under rule 41 to extend the sitting hours on a daily basis? The effect would be extremely severe. This would in effect allow the government to extend the sitting hours every day on a daily basis although the motion is debatable under rule 33 . . . or pardon me, 32. Given that the effects of allowing motions of this kind under rule 41 are so serious to the traditional operation of the House, I find that our practices regarding extensions of sitting hours by leave or notice should be maintained.

Well obviously the members . . . The ruling is that the motion will not be allowed and the practice of the House as has traditionally been the practice shall be maintained.

Mr. Neudorf: — Thank you, Mr. Speaker. I would move that this House now adjourn.

The division bells rang from 9:55 p.m. until 10 p.m.

The Speaker: — Order. The adjournment motion, because it is 10 o'clock, lapses, and therefore this House stands adjourned until tomorrow at 10 a.m.