



Legislative Assembly of Alberta

The 27th Legislature
Third Session

Standing Committee
on
Members' Services

Tuesday, September 28, 2010
10 a.m.

Transcript No. 27-3-3

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Third Session**

Special Standing Committee on Members' Services

Kowalski, Hon. Kenneth R., Barrhead-Morinville-Westlock (PC), Chair
Campbell, Robin, West Yellowhead (PC), Deputy Chair

Anderson, Rob, Airdrie-Chestermere (WA)
Elniski, Doug, Edmonton-Calder (PC)
Hehr, Kent, Calgary-Buffalo (AL)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
Mason, Brian, Edmonton-Highlands-Norwood (ND)
Notley, Rachel, Edmonton-Strathcona (ND)*
Oberle, Hon. Frank, Peace River (PC)
Pastoor, Bridget Brennan, Lethbridge-East (AL)
Quest, Dave, Strathcona (PC)**
Rogers, George, Leduc-Beaumont-Devon (PC)
VanderBurg, George, Whitecourt-St. Anne (PC)
Weadick, Greg, Lethbridge-West (PC)

* substitution for Brian Mason

** substitution for Frank Oberle

Also in Attendance

Boutilier, Guy C., Fort McMurray-Wood Buffalo (Ind)
Hinman, Paul, Calgary-Glenmore (WA)
Taylor, Dave, Calgary-Currie (Ind)

Support Staff

W.J. David McNeil	Clerk
Allison Quast	Special Assistant to the Clerk
Bev Alenius	Executive Assistant to the Chair
Louise J. Kamuchik	Clerk Assistant/Director of House Services
Brian G. Hodgson	Sergeant-at-Arms
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Shannon Dean	Senior Parliamentary Counsel/Clerk of Committees
Cheryl Scarlett	Director of Human Resources, Information Technology and Broadcast Services
Scott Ellis	Director and Senior Financial Officer, Financial Management and Administrative Services
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

10 a.m.**Tuesday, September 28, 2010**

[Mr. Kowalski in the chair]

The Chair: Good morning, ladies and gentlemen. There are a variety of clocks throughout the building, so we're never really sure. Mr. Elniski, what was that saying you just gave to me?

Mr. Elniski: A person with one clock knows what time it is; a person with two is never sure.

The Chair: Okay. We have our wisdom for the day. We will assume that it is 10 o'clock, and we will call the meeting to order. We do have a quorum, and that's just great.

The first item of business that we have is the approval of the agenda. It is there before us. Mr. Rogers has moved, seconded by Mrs. Leskiw. Discussion? All agreed?

Hon. Members: Agreed.

The Chair: Approval of the minutes of June 14, 2010. You've had the minutes circulated.

Mr. Rogers: If I may just ask a question.

The Chair: Yes, sir. How about you move it first. Then we'll move to a discussion.

Mr. Rogers: Actually, it wasn't about the minutes, Mr. Chairman. I realize that in previous meetings we've had members via teleconference. Is there anyone out there? I'm just wondering.

The Chair: Nope. No one has made such a request. The minutes?

Mr. Campbell: I'll move the minutes.

The Chair: Any discussion on the minutes? Agreed?

Hon. Members: Agreed.

The Chair: Everybody agrees. Okay.

Arising out of the minutes, though, are two items that are referred to under item 4 as old business. The first one deals with constituency office rental costs for the period 2003 to 2010. There was a request made at the last meeting that we review the situation with respect to this matter. We have had provided to us a flow chart that was put together by Mr. Ellis in his area. That chart has been circulated.

Included with the chart there is an overview looking at the amount of escalation with respect to costs associated with constituency offices, both the constituency office rental rates plus the operating costs. We also have a flow-through chart that is attached as well, which looks at all 83 constituencies in the province of Alberta, showing the variations in basic rent, signage, parking, operating costs, total rent, the utilities added to the total rent, the total office operating costs, and also the square footage for each of these offices located in the province of Alberta. So I provide that.

We're providing it for information this morning and seeing if there are any questions that have to be made on it. As I do believe I indicated at the last one, a future meeting of the Members' Services Committee will be dealing with the budget, the budget for 2011-2012. The budget would come in April 1, and we would normally

look at that. Probably the first look at it would be in a meeting in early December. Then, if required, we have an additional meeting in late January or early February associated with this. If there were adjustment costs that would have to go with this, we would look at it then.

I'll just make a couple of comments and then stop. In terms of the constituency groups, if you look at that first flow-through chart, as best as I can understand it, if you look at the one in the middle and if you look at the dollars that were added, in the yellow column it says 2003 for cost per square foot in the base year, which would have been 2003, and then you see the costs per square foot in 2010. There was an escalation in there, if I understand this graph correctly, showing an escalation in these basic costs of 48.85 per cent. But if you look at the bottom in the Members' Services allowance for the office budgets that we have provided from, again, the base year of 2003 to 2004, we provided escalations of 83 per cent, which is further ahead than the normal rental cost.

Plus, there was one other thing that did happen during that intervening time 2003 to 2004 to 2010 to 2011. One of the items that we removed from the costing for constituency office allocations was the benefit package that was provided to constituency office assistants. We removed that a number of years ago and basically said the Legislative Assembly per se would take those costing factors in. That amounted on average to about \$12,000 annually. Basically, it reduced the cost in terms of the operation for rent and utilities. There was an additional \$12,000 that was available during that time frame as well. So that 86 per cent increase perhaps is lower than it should be if we were to add the \$12,000 in terms of net into it.

Having said that, I will stop, and I will ask for any questions if people would want for clarification. Mr. Ellis is at the end of the table, and we'll refer those questions specifically from an administrative point of view to him. Anyone have any questions with respect to this? Any comments to be made? Ms Pastoor.

Ms Pastoor: Thank you, Mr. Chair. When I'm looking at this and comparing myself to others, I'm certainly probably ahead of the game, but I do know that some of my caucus colleagues, on top of other people that I've spoken to, still are using almost 50 per cent of their budget for their rental. I don't know whether it's pockets that happen in the province. This is Calgary. I don't know whether they know that they can't get someplace else and then up their rent, but 50 per cent for rent out of a budget I think seems pretty high to me. I don't know what we can do about that.

The Chair: Bridget, before I ask Mr. Ellis to comment on that, that can't be correct. We have in the second flow chart the total office operating costs across the province. The constituency office allocation is approximately \$110,000 on average for the 83 members. The highest rent that I can see anywhere in terms of total cost is a Calgary one, Calgary-Elbow at \$3,523. That would be less than 33 per cent or 32 per cent, not 50. You can see all those numbers in there. None even comes close to that number that you gave.

Ms Pastoor: All right. Okay. Thanks. I guess I'll just leave it out there that there are unhappy people, who may not have looked at these numbers.

The Chair: Are there any happy people?

Mrs. Leskiw: I'm happy.

The Chair: Okay.

Mrs. Leskiw: I looked at these numbers. I'm happy.

The Chair: I mean, there are 83. They're all within a very comfortable range, so I have to assume.

Sorry. Mr. Quest, did you have a question?

Mr. Quest: No. I'm happy.

The Chair: Okay.

Ms Pastoor: Looking at this, I would suspect that the Member for Lethbridge-West is happy, too.

The Chair: Well, the budget is there, and there'll be opportunity, as I said, over the next several months if members want to provide additional information with respect to this matter. It's certainly something we can take another look at when the budget is being reviewed.

Anything further on this matter? Okay. We'll accept that for information then.

Under old business again, 4(b) was Motion 501 follow-up. Mr. Campbell, in the minutes we have from the last meeting, you indicated you wanted to deal with this matter further today.

Mr. Campbell: Thank you, Mr. Chair. On the matter of Motion 501 I can inform you that from the government's position we will be putting forward three names to the Members' Services Committee and would ask the opposition to do the same so that a committee can be formed to look at what firm we would hire to look into members' compensation and be able to report back to the Members' Services Committee after the work is completed.

The Chair: Specifically, this is the message, then, to convey to other members of the committee, not to the LAO.

Mr. Campbell: Yes. To other members of the committee.

Ms Pastoor: Who decided that you would hire a firm?

Mr. Campbell: Well, it's our suggestion that these members would be involved in picking a firm that has expertise in compensation. While the motion reads that the government review, the fact of the matter is that it's Members' Services Committee in the end that will have to make the final decision. So it's our thoughts that we would select some members to go out and make recommendations to hire a firm that has expertise in compensation to do their job and make their findings available to the Members' Services Committee.

10:10

Ms Pastoor: In essence, then, you're saying that, ultimately, MLAs will still decide their own salaries rather than actually having the discussion around the fact that the report would be binding.

Mr. Campbell: Well, I mean, we could have that discussion, but under the current legislation it is the Members' Services Committee that makes the decision on MLA remuneration. Unless that's changed, we can't do anything else other than refer back to this committee whatever findings we have.

Ms Pastoor: Okay. Perhaps you and I should get together.

Mr. Campbell: Well, I mean, like I say, we can definitely discuss, but the way the motion is worded, Ms Pastoor, and the way that the

rules are set up over the Members' Services Committee, this is the route that we have to take.

Ms Pastoor: You would rather go to a firm than actually, perhaps, get retired people who have expertise in that area?

Mr. Campbell: Well, I think that, you know, being as we're looking at it, I think it's important to have people who actually have a worldly outlook. I'll use that word.

Ms Pastoor: Well, I think we should form the committee and then talk about it.

Mr. Campbell: Sure. We can do that.

The Chair: Mr. Rogers.

Mr. Rogers: Well, thanks. I'm referring to the discussion and particularly to Ms Pastoor's point. We ultimately have to respect and abide by the legislation as it exists. The legislation as it exists requires that the Members' Services Committee makes a recommendation, which is ultimately adopted by the Legislature. That's all we have before us. If I'm missing something, well, I hope you would enlighten me, Mr. Chairman.

The Chair: No. The legislation is very, very clear. It's the Members' Services Committee who deals with all these matters associated with all the budgeting associated with members, including salaries of the Executive Council. What you've got in here is a motion.

Be it resolved that the Legislative Assembly urge the government . . .

It didn't say "urge the Legislative Assembly." It says "urge the government."

. . . to establish an independent commission to review the current salaries and benefits for Members of the Legislative Assembly and to report to the government and this Assembly on whether the current overall remuneration for members is fair and adequate.

What it is basically saying is that the government should establish an independent commission to review the current thing and to report on whether the current overall remuneration for members is fair and adequate. There's nothing in there that says about any adjustments or changes or new levels.

But, more importantly, at this point in time if the request is being made that the Legislative Assembly of Alberta get involved or the Members' Services Committee get involved, we need to get something that would come to us, presumably to the chair or to the Speaker, basically saying the government – and I presume that they have consulted with the opposition – that this is what it is saying they would like to see happen and send that over here. Then there are options. If they tell us very specifically they want a firm to do it, that's one thing. If they want to recommend people, well, then, we have to have a discussion and move forward with respect to that, and I'd come back with recommendations.

But at this point in time we've received nothing. This is the verbal update from Mr. Campbell and Ms Pastoor. What I hear is that there are going to be further discussions and something will arise in the future as far as I can understand. Is that a correct assessment?

Ms Pastoor: Thank you, Mr. Chair.

The Chair: Anything further on this matter?

Mr. Weadick: Just one quick question. There won't be a committee, then, struck to deal with this. We'll wait for something to come back from the government and move forward at that point?

The Chair: That's my understanding.

Mr. Anderson: Is it just the Official Opposition that you want naming the three, or would the other two opposition parties have any input into this?

Mr. Campbell: All the opposition parties.

Mr. Anderson: All the opposition parties. Okay.

The Chair: Anything else? Good to go on that one. Okay.

Number 5, then, under new business, Canada Post, Ms Blakeman.

Ms Pastoor, do you know if Ms Blakeman will be joining us this morning? She said she was going to another meeting.

Ms Pastoor: No, I don't believe she will be.

The Chair: Okay. Not a problem. She conveyed some information, which is in the document package under 5(a), to me as a follow-up to something that she said to me that she had raised in a meeting of the Legislative Offices Committee. You will see in this little package of briefing notes a letter dated July 15, 2010, that comes from the Chief Electoral Officer to her and then a brief letter, July 22, 2010, to myself from her and then an e-mail from her, meaning Ms Laurie Blakeman, on September 8, 2010, to me. Essentially, as far as I can understand, she raised the matter when the Chief Electoral Officer was meeting with the Standing Committee on Legislative Offices, asking his office to contact Canada Post to determine whether all provincial candidates would be able to take advantage of an expanded ad mail delivery service.

Now, this thing can be a little complicated because there are different things that are involved in it. As best as I understand this – and I'm going to ask Mr. Ellis to assist with respect to this matter as well – federal members of the Canadian House of Commons pretty much have complete franking privileges across this country. They have mail-outs that they can provide from Ottawa to citizens, and as far as I understand, that mailing is not blocked in any way, shape, or form by an individual citizen across the country of Canada.

In addition to that, they have other privileges, franking privileges, that allow them to send something called 10 percenters. A federal Member of Parliament can unilaterally determine to send information to another constituency across the country up to 10 per cent of that, and nothing is blocked outside of an election campaign and during an election campaign.

Citizens across the country of Canada, however, have the right to basically put in some intercepts, basically saying that they do not want to receive certain types of mail, some mail called ad mail and other mail, just across-the-board mail-outs. That's 6 or 7 per cent per item just across the board. Some people call it commercial; some people call it another name. But if an individual chooses not to receive that, that mail is not delivered to an individual's household. Her point is that she thinks everybody should have the same benefit across the country.

We have been working on this matter, actually, for quite a number of years in consort with other provinces across the country of Canada, and from time to time these various other Legislative Assemblies change their views or have similar views to ours. We're quite prepared to address this matter with Canada Post and the appropriate federal authority in the federal government, considering

Canada Post is a federal Crown corporation, to ask them to consider this. We've recently done a little survey across the country, asking for support from various jurisdictions. To this point in time we've received replies from New Brunswick, the Yukon, Manitoba, Saskatchewan, and Ontario, and they are supportive to varying degrees in terms of participating in this particular matter.

We could just simply send a unilateral letter to Canada Post or somebody else, and they say: "Well, there's no other support across the country, so what are you talking about? Why would we need to pursue this? It's not a matter that we would be successful with." But this subject matter needs some input from the Members' Services Committee because not all people believe that it is, in fact, undemocratic for an individual citizen to say: I don't want to receive that type of mail. Ms Blakeman is making the argument that that would be considered undemocratic if a citizen did it, I think. I'm not going to put words in her mouth, but that's essentially the situation.

If there are thoughts here from members of the Members' Services Committee that we should continue to pursue this with Canada Post and others, please indicate so one way or the other.

Mr. Rogers: I certainly would support the course of action you've outlined, Mr. Chairman. I think it is prudent that you have sought the input and, hopefully, ultimate support from other parts of the country, other provinces, and if we get that support, then it's certainly worth proceeding. Beyond that, I can't imagine what else this committee would do, but I'll leave it to others.

Mr. Hehr: I, too, am in support of what you have proposed, Mr. Chair. As a sideline I think I am in support of Ms Blakeman's motion. The fact is that I think when a lot of people they just check off what they don't want to receive, maybe that just precludes the type of material that we're sending out. Maybe on the basis of democracy and weighing benefits to society, it may be of interest to these people to receive this literature from time to time. I leave that in your hands, and I agree with the proposal as you have laid it out.

10:20

The Chair: Others? Mr. Hinman, the guest.

Mr. Hinman: Thank you, Mr. Chair. A thought that's always kind of frustrated me as a provincial representative – and I guess I'm looking at expanding this a little bit on what to pursue – is that anybody that wants to write to a federal Member of Parliament can put it in there with no postage. I think that that direction is very important, and I would like to see citizens of Alberta be able to send a letter to their MLAs at no cost and just put it in the mail. That would be something, I think, that would benefit the citizens. Sometimes they just think: oh, I don't have a stamp. Anyway, I just think that that would be something to add to this if we're going to pursue Canada Post and the federal government, to allow citizens to send letters to their provincial legislators at no cost.

The Chair: I suspect, Mr. Hinman, in the end there would be a cost. It would be borne, in this case, by the Legislative Assembly of Alberta.

Mr. VanderBurg: That's my point, Mr. Chairman. Nothing is for nothing, and if we expect Canada Post to deliver mail to me for nothing, I think we're fooling ourselves. As a fiscal conservative I have no problem with the policy that we have in place today, where someone puts a stamp on an envelope mailed to me. I'm not going to even assume that Canada Post can operate on a zero budget and send mail to me for nothing, so I don't support that thought at all.

The Chair: We're not in a debate.
Go ahead, Mr. Hinman.

Mr. Hinman: I'd just like to comment. No cost to the individual, but when they send it to all of those, there's always a cost involved, George. I recognize that.

Mr. Campbell: I know that when I go to the mailbox and I get my little pamphlet from my MP and you go by the garbage can – I would suggest to you that 75 per cent if not more of the pamphlets are in the garbage, or they're sitting on the table. I mean, I have no problem maybe pursuing this, but I wouldn't want to spend a lot of time on it.

The Chair: Okay. Others? Ms Pastoor.

Ms Pastoor: Thank you, Mr. Chair. I would support, certainly, pursuing it. The people that you do reach, more often than not, are the ones – I don't know what it's like in the urban areas, but in the rural areas I agree that sometimes you go to the postboxes where they are and they're, you know, all lying around. But if it does end up in a mailbox specifically, more often than not it is read.

Yes, you're right. There's always a cost. But everything that I get from my MP I know he hasn't had to pay for, and everything that I send out I know I have to pay for, so I think there is an inequality there.

One other thing. In the letter from Mr. Fjeldheim, the Chief Electoral Officer, it says, "to allow for expanded ad-mail service to provincial candidates." I think that that is wrong. That makes it sound like it's an election perk. It should be "provincial elected representatives" or whatever. I think that sends the wrong message. This has nothing to do with elections. This has to do with getting information out from an MLA or an MP or an MPP or whatever they call them in other provinces to their electorate.

So just a couple of comments on that. Thank you.

The Chair: Okay. Anybody else?

Then I think there is a consensus, basically, that we might want to pursue this and consort with other jurisdictions across the country. That would be the first step that we would take, visit other jurisdictions across the country to see if they're prepared to endorse a letter along with us to the appropriate authorities in this regard. We'll take it one step at a time, okay?

Item 5(b), caucus expenditure guidelines. In the past we've had some discussions with respect to these guidelines and tried to make sure that all members were onboard with this, but I'm not convinced all members understand all the guidelines, so this morning I've asked the Clerk to come forward and give us an overview on expenditure guidelines. I ask that we all pay very careful attention to what our policies are with respect to this matter.

The Clerk.

Dr. McNeil: Thank you, Mr. Speaker. My objective this morning is, first of all, to go over the basis for the financial accountability in the Legislative Assembly Office and then deal with specific issues after that. There's a package of material we're handing out now that will just hopefully help us go through this process.

First of all, the Legislative Assembly Act establishes the Legislative Assembly Office, which is presided over by the Speaker and under the management of the Clerk. The Clerk, like a deputy minister of a government department, is the deputy head and as the deputy head has certain responsibilities.

The Legislative Assembly Office is an office which provides nonpartisan services to all members of the Assembly, and I've included a document in the package – I think it's the third item – that is something that we hand out to employees, that we discuss with employees, to ensure that they understand what our mission is, and our mission is to provide nonpartisan parliamentary support to the Speaker and members of the Assembly as they carry out their roles as elected representatives. Our values are impartiality, integrity, and improvement. That's why we exist. Those are the values that we try to adhere to in carrying out our roles.

The Legislative Assembly Act, also under section 21, provides that the Members' Services Committee approve the budget for the operation of the Assembly. So you see in that first handout that section 19 establishes the office and section 21 establishes that the Members' Services Committee approves the budget for the Assembly.

I'd like to start out by providing an overview of the system of financial accountability within the Legislative Assembly Office. The expenditure of public funds appropriated by the Assembly is governed by the Financial Administration Act and regulations and, further, by orders and guidelines approved by the Members' Services Committee. One of the overarching principles that guides the LAO's review of expenditures is that Legislative Assembly funds should not be used in support of political party activities.

Under the Financial Administration Act the deputy head, the Clerk, has ultimate responsibility for the expenditures made in the Legislative Assembly Office and those budgeted funds. This year the total budget is about \$58 million.

The Clerk appoints the senior financial officer and accounting officers and designates individuals as expenditure officers for the various elements of the Assembly budget. The senior financial officer, in our case Scott Ellis, supports the deputy head and is responsible for controlling the receipt and disbursement of public money, maintaining accounting records and systems, producing the financial statements for the Assembly, and co-ordinating departmental financial policies and procedures with overall government-wide policies in the financial management area.

The accounting officers are appointed by the Clerk in this case and are responsible for reviewing and approving disbursements before they are made. They assist the senior financial officer in providing the assurance in fulfilling the senior financial officer's responsibilities.

The expenditure officers have certain responsibilities. The expenditure officers are appointed by the deputy head. The key elements of the expenditure officers' responsibilities are to ensure disbursements are appropriate and that they are made in accordance with policies, procedures, and regulations. They authorize disbursements before they are made and ensure sufficient funds are available before a purchase is approved.

The Clerk designates members as expenditure officers who have responsibility for their constituency office allowances and designates the caucus leader or a member or a senior administrator in a caucus as designated by the caucus leader for their caucus budgets. In total over \$17 million per annum, or about 30 per cent of the Assembly budget, is directly under the expenditure authority of members.

The Members' Services Committee has approved orders and expenditure guidelines with respect to caucus and constituency funds, which expenditure officers are required to follow. There are a set of expenditure guidelines for caucus and a set of expenditure guidelines for constituency offices and, more recently, website guidelines for members' constituency offices and caucus offices.

The increasing expenditure of funds on web-related activities has required us to develop some specific website guidelines because of

the complexity of that particular domain over the past number of years.

What's the purpose of these particular guidelines? These guidelines and their effective administration are to ensure the appropriate accountability of public funds. With over \$17 million per year to be accounted for, it's important that appropriate controls are in place.

10:30

I'd point out that it was either a result of the lack of appropriate spending guidelines or the lack of appropriate financial monitoring control systems which led to significant spending scandals in various parliamentary jurisdictions over the past two decades. There are situations in Saskatchewan, Newfoundland and Labrador, the House of Commons, the House of Lords in the U.K. most recently, and also most recently in Nova Scotia where there have been difficulties with spending in parliaments as a result of either the lack of guidelines or the lack of effective administration of the guidelines that were in place.

The expenditure guidelines are revised from time to time based on new or amended Members' Services Committee orders, the identification of issues by the senior financial officer and members or staff, or from feedback from the office of the Auditor General following from the annual financial systems audit of the Assembly operations conducted by the Auditor General's office.

The LAO, Legislative Assembly Office, under the direction of the senior financial officer, has a longstanding process in place for the review and approval of expenditures of the various elements of Assembly operations. The Auditor General regularly reviews our internal controls with respect to the review of expenditures and concludes that they are functioning effectively in terms of his most recent audit. The review process involves a review of expenditures against the requirements of the guidelines. Once the expenditure officer has approved them, they're reviewed by the accounting officer, the senior financial officer; if there is a question sometimes as to legal matters, they are reviewed by Parliamentary Counsel; and the final review as deputy head, the Clerk of the Assembly.

Once a decision is made that an expenditure or communications material is in violation of good guidelines, the member is so advised by either the senior financial officer or the Clerk. The guidelines make it clear that the administration's decision is subject to appeal to the Speaker and the Speaker's decision subject to appeal to this Members' Services Committee. Members should be aware that deliberations and decisions by the Members' Services Committee are protected by parliamentary privilege and are not subject to judicial review.

I want to deal specifically now with the issue that has arisen with respect to the Wildrose Alliance caucus. We received a complaint on the 29th of June regarding a Wildrose Alliance caucus press release of June 24, alleging that the release violated a number of elements of the guidelines. I'd note that we had already identified this in the administration as possibly a problematic communications material. This particular press release was reviewed by the accounting officers, the senior financial officer, Parliamentary Counsel, and the Clerk.

The unanimous conclusion was that the document violated a number of guidelines approved by this committee. While this document was displayed on the party website, the document was written on Wildrose Alliance caucus letterhead, most of the content related to the Wildrose Alliance Party conference, the party leader welcoming another member to the party, and contact names and numbers were of caucus staff paid for by the Assembly.

While the administration concluded that this particular document was offside, it was decided to assess other press releases to deter-

mine whether this was a one-time event or more of a systemic issue. Further analysis of a sample of releases indicated that there was a consistent pattern of violation of the expenditure guidelines: quotes from the Wildrose Alliance Party leader along with quotes from caucus members, statements about the founding of the party, and party philosophy.

The rules and practices that have been developed by the Legislative Assembly Office and other Assemblies have been developed to serve the individuals who have been elected as members. In fact, section 2 of the Legislative Assembly Act states that

the Legislative Assembly shall consist of the persons elected pursuant to the Election Act as members of the Assembly to represent respectively the electoral divisions described in the Schedule to the Electoral Divisions Act.

Accordingly, the services provided by the LAO are in support of Members of the Legislative Assembly, as are the rights and immunities that protect members, as opposed to individuals who do not have a seat in the Assembly. If a party leader is not a member of the Assembly and, therefore, not a member of caucus, references to or use of quotations from the leader are, in our view, in violation of the guidelines, which explicitly state that caucus activities must be separate and distinct from party activities. Consistent use of quotations from noncaucus members in caucus publications or the caucus website may impact the application of an individual member's parliamentary privilege as well as the application of member liability insurance coverage related to caucus communications. The review process in place for ensuring proper accountability for public funds voted by the Assembly for the use of the Wildrose Alliance caucus has determined that some of these resources appear to be being used to the benefit of the party.

The Legislative Assembly Office is faced with the dilemma that while we have advised the caucus expenditure officer of these concerns, we have not had any formal notice of appeal of the initial decision. While the Wildrose Alliance caucus had requested a meeting with the Speaker via memo on August 30, 2010, they have yet to respond to his memo of September 2, 2010, seeking clarification as to whether the intent of the meeting was to act as an appeal to the Clerk's determination or to discuss the points in the Clerk's memo.

That's an overview of the caucus expenditure guidelines and a rough overview of the process through which the administration has gone in making a determination to this point as to a particular set of communications from a particular caucus.

The Chair: Every elected member around the table is an expenditure officer. Some have more responsibilities than others. As individual MLAs we are expenditure officers for our constituency office budgets. No one else has the authority to deal with that; we alone. Some around this table also then serve as expenditure officers for their caucus funds, and there are rules and guidelines and policies with respect to that.

Mr. Anderson.

Mr. Anderson: Thank you, Mr. Chair. I appreciate that lengthy explanation. There are several things that I would like to go over today to respond to the Clerk's comments, the first being that, you know, obviously in every situation there are always things that one can do better, and our caucus knows that. We definitely would agree that it was inappropriate to put the word "party" in our press release when we welcomed Guy over to the Wildrose Alliance, and we've made adjustments in our policies to make sure that further caucus memos only say caucus and not party. We agree that that is something that we need to take care of on a go-forward, and we have, and we will.

We'll also not be referring in our caucus memos to when the Wildrose was formed because that implies when the Wildrose Party was formed. Even though we never did use party in those cases, we're going to take that inference out, that we're talking about the party there.

The rest of your comments we dispute. Specifically, we would take issue with your view that somehow quoting Danielle Smith in our caucus press releases or putting her on our caucus website, as Mr. Ellis always reminds us with regard to her picture, is somehow inappropriate. We feel that that has no founding. First of all, we don't think it's very logical. Secondly, we think your interpretation of members' services, the rules, the legislation, is off. It's not appropriate for several reasons.

I would need to hand out some documents in this regard so that you can see where I'm coming from.

10:40

The Chair: You can proceed, Mr. Anderson.

Mr. Anderson: All right. These are just five news releases from the government of Alberta, for example, where a third party is being quoted in a government press release. Now, is there anything inappropriate about this? By the way, this is just five. I mean, there are hundreds of these, but I just, you know, for example's sake – if you look at, I think a couple of pages in, the government is talking about the construction of 10 new schools in Edmonton, and it quotes the president of the company constructing the schools saying that this is such a wonderful thing, these P3s, and that's fine. We have no problem with that.

I mean, the government should be able to quote third parties in their press releases, and when I say third parties, I mean unelected third parties. I don't think anybody could possibly logically say that that's inappropriate. It's totally appropriate, even though sometimes these third parties say obviously partisan things, they're obviously supporting the government's position or a caucus member's position or a minister's position or whatever position. So, too, if any MLA puts out a press release quoting a third party, their school board trustee or someone supporting their position on something of issue to the community, that is entirely appropriate and is a very important part of free speech.

Now, in the memo from the Clerk the Wildrose Alliance is instructed that it is inappropriate to quote Danielle Smith because she is not an elected member. Well, the problem with that logic – and maybe I need clarification from the Clerk on this. If we're allowed to quote other third parties – clearly, the government has demonstrated that – is Danielle Smith the only person on the planet that the Wildrose Alliance is not allowed to quote in their press releases? Is that, in fact, what you're saying? Mr. Ellis? Or anyone?

Dr. McNeil: Well, I'll make an observation.

The Chair: Okay. Through the chair. To the Clerk first.

Mr. Anderson: Oh, sorry. Through the chair.

Dr. McNeil: The guidelines say nonpartisan communication and a separation of party and caucus activities. As the leader is not a member of the caucus, is not the leader of the caucus, she's a private citizen. That's one thing. But as the party leader as soon as she makes a statement, that's a partisan statement. She's representing the party. You know, we've never restricted quotes from, sort of, nonpolitical people. In this instance, the identification that she has is as leader of the party.

Mr. Anderson: So because she's the only leader of the Wildrose Party, that's been elected as the Wildrose Party leader, she's the only person on the planet that you can think of that cannot be quoted in a Wildrose Alliance caucus press release?

The Chair: I don't think that . . .

Mr. Anderson: How is that not appropriate, Mr. Chair? That's a very appropriate question. I need to know who I can quote, don't I?

The Chair: Well, we're going to come to that. Let's just make things very, very clear. The use of government of Alberta material – we're not talking about funds approved by the Legislative Assembly for the government of Alberta. The only funds we're talking about are the funds that are approved by the Legislative Assembly through the Members' Services Committee for the usage of Members of the Legislative Assembly.

The rules have been there. They have been designed. They have been put in place. To suggest that only one person will not be is a bit misleading. I would suspect that if the vice-president was there to be quoted, the interpretation would be much the same.

The Clerk had indicated that in addition to himself a number of other people had also reviewed this matter, including Parliamentary Counsel. Perhaps Mr. Reynolds has something to add with respect to this matter as Senior Parliamentary Counsel.

Mr. Reynolds: Thank you, Mr. Chair. Well, I think what the Clerk said earlier on was the principle. We referred to the principle that taxpayer dollars should not be used to pay for political party activities. Judging by that principle – I mean, when you ask the question, "Is this the only person who cannot be quoted?" I think it would depend on the context. As the chair said, if you were quoting perhaps the vice-president of the party, then that might be a political party purpose. So it would depend upon the context in which it was used, but it would be evaluated against the principle that taxpayer dollars should not be used to fund political party activities.

Thank you.

Mr. Anderson: Mr. Chair, I don't think that anybody disagrees, surely not I, that we shouldn't be using LAO funds for party activities. I guess my question is then that perhaps what we should do is have a list of every member of the Progressive Conservative Party for the last several years, and what we could do, since you seem to like this type of activity, is that you could cross-reference those memberships with all the quotes that have been put out in government press releases to see if perhaps some of those quotes are coming from people who belong to the Progressive Conservative Party. Perhaps we could do that exercise. That might be very helpful.

The Chair: Well, I won't be doing that because I'm only responsible for those dollars associated with the Legislative Assembly of Alberta.

Mr. Anderson: Okay.

Mr. Campbell: Well, Mr. Chair, I think this thing is being taken out of context. I can say that, you know, our party has been told by the LAO at times that there are certain things they can't do. I'm sure the Official Opposition Liberals have been told by the LAO that there are certain things they can't do. I'm sure the NDs have been told by the LAO that there are certain things they can't do. I think that the LAO has a responsibility. I think they take that responsibility very

seriously. I think that we all have rules to follow, and if we don't abide by those rules, we're going to hear from either the Clerk or the Speaker that we're not abiding, and then we have to make corrections.

I accept Mr. Anderson's comments that they did some things, and they've made those changes to make sure that doesn't happen again, and I appreciate that. I think that the rules are in place, and I think we should just move on with the business at hand.

The Chair: Mr. Hinman.

Mr. Hinman: Thank you, Mr. Chair. Again, we recognize the letter from the Clerk. He pointed out, as I think Mr. Reynolds has pointed out, that it's the context and the wordsmithing that we have not used properly. As a caucus we've discussed this, and we feel that going forward we can live within the parameters of not quoting Danielle Smith as the party leader. We understand that.

Again, those other references are just a blurred area, an oversight on our part, which I think, as Mr. Campbell pointed out, often happens. We're all members of a party, we're all Members of the Legislative Assembly, and sometimes we forget where we're at, where we're talking, so that it's perhaps out of context.

As the expenditure officer for the Wildrose Alliance caucus we feel that we can live within those parameters and quote people appropriately and be careful of using terms that aren't appropriate, such as "party," in those areas. I think that we can go forward on that. We appreciate the clarification from the Clerk.

The Chair: I appreciate that very much, Mr. Hinman. You are the caucus expenditure officer. You are responsible for the expenditures.

Mr. Hinman: Yes, that is correct.

Mr. VanderBurg: Mr. Chairman, I think you've understated. I want to make sure that it's very clear out there in cyberspace, those that are listening to us, that the documents that are in front of us, that have been used by Mr. Anderson, are documents that have been put out by the Department of Education, Alberta Culture and Community Spirit. They are not funded by LAO Members' Services. This is completely different, and I just want to state that very, very clearly. I think you understated it, sir.

Mr. Anderson: All right. No. They are from the government. There's no doubt about that.

I'd like to pass out another set of papers just so that we get some clarification on this.

10:50

The Chair: We're still on item 5(b). Is this correct?

Mr. Anderson: Yeah. It's all about that. You bet.

Here you go. Just while that's getting passed around, George, I understand that it's from a government. I would think that we could all agree that the government should be held to a higher standard than anyone else with regard to the use of government funds and taxpayer funds for what they put out in communications pieces. I see no difference, frankly. If anything, there should be a higher standard, but I guess I'll leave that for the public to decide.

Obviously, it's not just government statements that have been put out where the lines have been blurred. The first piece of paper you have in front of you is with regard to Premier Stelmach commenting on the recent Calgary-Glenmore by-election. This is obviously a

government press release. I understand the difference, which has been explained. Of course, in this press release Premier Stelmach refers to the PC Party candidate, congratulates the losing PC Party candidate, who lost to Paul, the Wildrose candidate, in that election. Again, now, this would be an obvious crossing of the line. Just as we shouldn't have welcomed Guy to our party, this was obviously an example where that would be inappropriate.

Going straight to LAO expenses, there are other examples that we'll get to. For example, Don Getty, on the next page. While he was Premier, he was also unelected for a time. During the time he was unelected, he issued several press releases, and this is one of them. So you had an unelected leader using government resources. I don't think anyone questions that he should have been able to, but clearly that was allowed.

If you go to the LAO . . .

The Chair: But not the Legislative Assembly.

Mr. Anderson: Absolutely. That's what I'm getting to now. I'm trying to show that there's a pattern developing here.

If you look at Arno Doerksen's website – I don't know; he might have it taken down now – he has on his MLA website a link to a fun shoot and barbecue fundraiser. You can actually sign up for it. You can get all the information you need for this. This is a PC Party fundraiser to be sure. So there's an example where maybe a little bit of balance, looking at more than just the Wildrose – this has been up for some months, so it would be very good if you'd use the same stealthy and deliberate way that you go about looking through our websites as you would with the other PC members. That's an example.

If you can flip through a little bit further, you can go past Genia's rant about why the Alliance is so terrible. I believe that this is on her personal website, so I'd ask you just to ignore that.

The Chair: Ignore that one?

Mr. Anderson: Ignore that one. Pass through it. Yeah. That's not a government website.

The one I'd like to take you to is Fred Horne's website. This is, I'm almost positive, from his legislative website. He tells folks how to donate to his campaign.

This one I like because it's kind of funny. If you go to Doug Griffith's website, his blog on clearly his legislative website, his LAO website, Doug talks about why he's not going to cross the floor to the Wildrose Alliance, which is legitimate. I mean, I think that his constituents deserve to know that. They need to understand where Doug is and what he's thinking about and how he's going to represent them. I think that's very valuable information and something that should be posted to his legislative website while Mr. Ellis has repeatedly asked me to take down my explanation for why I joined the Wildrose Alliance. I would ask again that you put, you know, the same microscope on the PC MLAs as perhaps you do on the MLAs from the Wildrose in this regard. Doug's is still up there, I believe, but you can check that out.

I would also say, too, that I specifically arranged in the Legislature after talking with you, Mr. Ellis, about reading some things into the record about why I joined the Wildrose Alliance during one of the debates. The reason I did that is because I was told that if I read it into the record in the Legislative Assembly and it was in *Hansard*, I could quote it without being censured. So I did so. I actually arranged with the House leader from the PCs, from the government side, to do that, and I did so, and then in the letter from Mr. Ellis I was told to take those down.

I don't know if it's a communication gap or something, but I guess, Mr. Chair, all I'm asking for is a little bit of consistency from the staff at the LAO, a little bit of fairness.

Then, going back to, obviously, what Paul was saying earlier, we will do everything we can to stay within the guidelines and make sure that we're not referring to party and that when we do quote Danielle Smith, it is not done in a pro-Wildrose Party fashion but more for her input on an issue.

Thank you much.

The Chair: Mr. Anderson, I want to assure you that if the suggestion is being made that somehow the officials in the Legislative Assembly Office of Alberta are, quote, targeting you, that's completely unfounded. Every month I probably get copies of upwards of 15 to 20 memos that are sent either from one of the officials of the Wildrose to an hon. Member of the Legislative Assembly, pointing out to them that something they may be doing is not quite appropriate, is offside. Usually suggestions are made for improvement.

Only one has ever been made public, and that was the one that you made public. But there are dozens of these – dozens of these – so I just want to assure you so that you don't lose any sleep tonight or get up and, you know, see that outline there in the dark. It's not me, and it's not anybody in the Legislative Assembly Office of Alberta.

There was a little bit of an innuendo there with respect to Mr. Ellis, and I think I have to offer him an opportunity to provide some explanation here as well. Then we'll go onto other members.

Mr. Ellis: Well, I guess to your point about how you indicated that I had spoken to you in the House, I have never spoken to you in the House.

Mr. Anderson: I was referring to the Clerk, not you.

Mr. Ellis: I think you said "Mr. Ellis" at that point, so I'm trying to clarify that.

Mr. Anderson: Sorry, my bad. The Clerk informed me that I could speak it in the Legislature.

Mr. Ellis: Fine. That wasn't me. I just wanted to clarify that.

We put out these memos across the board to all members irrespective of what their party affiliation is. We hold very highly in our office the fact that we are nonpartisan. I can assure you that we strive for that on a day-by-day basis. This is not a personal vindication of you or your party. It's something we do on a day-to-day basis for all members.

My office is always open. I have had members come to me and seek clarification about whatever ruling I've given with the blessing of the Clerk. The office is always open to discuss what is in the actual memos and why they're there and to come to a resolution or an understanding, a better understanding, about the rules. We're not perfect; sometimes we make mistakes. I think an open discussion will help that situation greatly. I've never had you come to my office to discuss these matters, so I would welcome you to do that at any time.

Mr. Anderson: I've been to your office several times to discuss this matter.

Mr. Ellis: Well, not to discuss these particular matters.

The Chair: Okay. Through the chair, please. Mr. Elniski, Mrs. Leskiw, Mr. Rogers, Mr. Hinman.

Mr. Elniski: Well, thank you very much. I have just a simple question. I noticed that the front page of the DougElniski.com private website is here. It's eluding me as to what the issue with this might be, in fact, if it's the Twitter comment supportive of my Roomba vacuum that doesn't do stairs or the photographs of the children in Prince Charles school. So if you'd be so kind as to enlighten me as to what the issue is with this particular website.

Mr. Anderson: Well, Mr. Elniski, I deliberately skipped over that because I was not sure. I'll have to go ask upstairs what the problem is.

Mr. Elniski: Okay. Thank you very much. Good to know.

The Chair: Are you gentlemen finished?

The Clerk, did you say you had something to add to one of these?

Dr. McNeil: Yeah. Mr. Doerksen's website: the LAO initially paid for the web hosting and domain name expense. When we intervened with respect to this particular website, Mr. Doerksen refunded the amount that was paid for this website. He funds this as a personal website since then, so this is not an Assembly-supported website, and therefore in terms of the content of it, because of that fact, it's not something that we would intervene with.

11:00

Mr. Anderson: For clarification, Mr. Chair, does that mean that we can as a caucus use the same domain name and just pay for the hosting ourselves and put up our fundraisers and everything else on that – is that okay? – on the Wildrose caucus domain if we're paying for it ourselves?

Dr. McNeil: It depends on whether or not the domain name is registered with the Assembly or not. I don't know the specifics of that, but that's something that can be discussed. I mean, if it's not paid for by the Assembly, then we have no jurisdiction with respect to what's on it.

Mr. Anderson: Fair enough.

The Chair: Somebody can help me here. Under these website guidelines for Members of the Legislative Assembly on page 5 we have a section dealing with domain names. Whose area of expertise is that?

Dr. McNeil: Mrs. Scarlett's.

Ms Pastoor: I'm sorry, Mr. Chair. Which are you referring to?

The Chair: The one I was referring to is this one, the second one, page 5.

Ms Pastoor: Thank you.

The Chair: There was a question. Mrs. Scarlett, are we in a position to respond?

Mrs. Scarlett: Again, each case is looked at in terms of the details of it. However, the intent of the website guidelines as it relates to domain names or any money spent for the development of a website – updates, maintenance, or staff that are updating the content – is that if LAO funds are spent for any of those purposes, thus it is assumed and deemed to be an LAO-funded site per se. That

probably leads us, then, to the clause before that, where it talks about declaration of domain names and sites within the LAO. I know there's also, you know, the intent of identifying that it is a caucus or a constituency website. An LAO website, then, also provides the protection relative to the risk management and liability issues.

The Chair: Okay. Further, that section on page 5 reads the following:

When declared by the Member with the LAO and/or paid with Legislative Assembly funds, the domain name belongs to the LAO and cannot . . .

In dark, heavy letters.

. . . be transferred to the candidate or party at election time or used for personal purposes. Use of political party names or constituency association names is not appropriate for domain names paid for by the LAO.

Now, please remember as well, all hon. members, that a number of years ago, because of the technical side of a lot of stuff dealing with guidelines for websites and the like, we set up an intercaucus committee where representatives of the caucuses get together to discuss the procedures and the policies that we ultimately want or would be approved by this committee in terms of the utilization of this.

I'm sorry, but I'm pretty darn illiterate when it comes to this, and I also recognize one other thing, that whatever we agree to today, probably in six months from now there's going to be some other system that may be in place that may cause some difficulty with it, so it's a completely evolutionary thing. Perhaps that's even more than I had to say on that.

Mrs. Leskiw, Mr. Rogers, Mr. Hinman.

Mrs. Leskiw: Yes. I'm surprised that you brought up . . .

The Chair: "You" meaning?

Mrs. Leskiw: Pardon me. Mr. Anderson.

. . . my party site. One thing. Since I've been elected, it was very clear to me that mixing party and caucus communication is not an acceptable practice. In fact, on numerous occasions I have gone to Mr. Ellis's office to say, "Can I spend money on this?" or "Can I spend money on that?" because I didn't want to make a move that was considered inappropriate.

In my very first newsletter I had in the corner my youth president do an article, and before it went to print, I realized: oh, I can't do that because this is my MLA newsletter, not my PC Party newsletter. Therefore, I had to pull it out of the newsletter and put something else in the newsletter and go through my newsletter with a fine-toothed comb. I can be accused of a lot of things, but when it comes to following procedures, I do it. I cross my t's, and I dot my i's, and you know that.

The Chair: Mr. Rogers.

Mr. Rogers: Thanks, Mr. Chairman. I just want to respond to a parting comment by Mr. Anderson earlier, where he essentially made an offer or something to the effect that his party would make sure that any future mention of Ms Smith in their communications would not be done in a partisan manner. I fail to understand how that individual could possibly be mentioned in any other manner that's not partisan. The only reason she's mentioned in their information is because she's the leader of that party. I don't get that. I guess I appreciate the clarification, but I'm not so sure how they can do that, God bless them.

The Chair: Mr. Hinman.

Mr. Hinman: Thank you, Mr. Chair. First of all, I just want to clarify as the caucus expenditure officer and deputy leader that I'm very grateful for the staff of the LAO. They've been wonderful over the years. Any time I've gone to talk to any of them, I've found them above and beyond service in trying to assist and help. I just wanted to clarify that on the record, that I feel that they're nonpartisan, serve in an excellent manner. I am very pleased with each of the individuals and the work that they do.

I just wanted to comment, I guess, a little bit on Mr. Rogers' point. We understand the terminology and the misuse of "party" in those areas, and we will do our best. If we step across that line, we'll look forward to a letter and a discussion with the Clerk or Mr. Ellis, whatever is appropriate, and deal with it going forward.

I think the frustration of my colleague, though, is that sometimes it seems like, you know, for example, someone has no hair, and someone is talking about that. Someone is sensitive in that area. Because of some past areas in discussing . . . [interjections] Oh, I got one. I was looking this way.

If, in fact, we make reference to whatever it might be, whether it's one's gender or one's age or height, there are always people that can be sensitive. Perhaps we've been a little bit overly sensitive on this, but like I say, I think that the clarification is put there. We understand it, and I believe that the Wildrose Alliance caucus can live within those parameters and ensure that we follow them going forward.

The Chair: Mr. Hinman, I very much appreciate your comments.

Ms Notley and then Mr. Hehr, and then we're going to wrap this up and move on.

Ms Notley: Thank you, Mr. Chair. I'd like to just sort of talk about this a little bit in terms of the context and what I hope we will see find its way into what is always a very complex contextual analysis. I think we've heard from some of the officials from the LAO that determining what is partisan and what's not partisan and what's caucus activity versus party activity is not always a black-and-white issue. It is, as I believe Mr. Reynolds said, a contextual issue.

I think that one of the contexts that we haven't really talked about entirely that I would like us as members of the committee to acknowledge and also for government members to take back with them is this concept, I suppose, of what you might call equity. Although I completely understand that neither the chair of this committee nor the members of this committee in this context have any control over what comes from the Public Affairs Bureau, I do believe that it should be a given that the Public Affairs Bureau's commitment to nonpartisanship, if anything, is higher than this group's because they shouldn't have connection to caucuses and solely should have connection to people within the public service. Where we have a Public Affairs Bureau document talking about a Progressive Conservative candidate in its document and then at the same time we have our caucus contextual analysis negating another partisan candidate, which is what we're talking about with respect to the leader of the Wildrose caucus, I think what we end up with is a glaring inequity.

Obviously, the members of this committee who are not also government members have no ability to work with the Public Affairs Bureau. I'm not sure if the answer is for members of this committee who also happen to be government members to go back to whom-ever is in charge of that to tone down what is coming out of the Public Affairs Bureau. Is that the answer? Or is the answer for us here to look at the fact that if the Public Affairs Bureau is talking about candidates or quoting candidates periodically, that needs to factor into the contextual analysis of what is or isn't an acceptable

partisan or caucus communication through that budget. I do think it's not disconnected, at the end of the day, if we're going to ensure a certain amount of fairness.

Thank you.

11:10

Mr. Hehr: Well, I appreciate Mr. Rogers' question, and I appreciate Mr. Hinman's answer, but still I'm not clear. Maybe I'm the only slow learner here. If the Wildrose caucus puts out a statement with Danielle Smith referenced in there that doesn't say that she's party leader, is that valid? I think that's what the crux of this meeting is, and if we get some clarification on that question, I think that's what we came here to do. In my view, if you put Danielle Smith in a caucus thing without saying that she's party leader, it's the same thing. Okay? We can dance around this issue all we want, but I think that's what we're trying to get at here, and us ending this meeting without that decision being made or at least hearing from Mr. Ellis or some of the experts around the table on that, what the decision is – I think it might save us some time coming back here and discussing it later. In my view – and maybe I've heard it wrong – that's what the Wildrose is going to go forth and do.

The Chair: Well, Mr. Hehr, in the document you have in front of you, on page 3: "Caucus activities and transactions should be separate and distinct from party activities, party identity (logos, colours, web pages), events or transactions and particularly election activities." We have this located in all of our books probably 20 or 30 or 40 times, and knowledge of the rules is what is most important. Yes, we're human beings, and yes, our colleagues have incredible imagination, and yes, some people in this room who have been former schoolteachers know full well that on the first day the teacher stands up and says to little Johnny and little Mary: here are the boundaries. Of course, next day little Harry comes in and puts his toe across and says: teacher, teacher, is this okay? And, smash, it comes down, and he quickly learns that that isn't okay, or he gets away with it.

Okay. Anybody have anything further to say on this, or can we move on? All right, then.

I suspect that (b) was somehow related to (c), Mr. Anderson.

Mr. Anderson: Yeah. That's correct. I think we've covered it.

The Chair: We've covered it. Okay.

Caucus funding. Mr. Clerk.

Dr. McNeil: Yeah. In your binders is some information: one related to the allocation of the research component of the caucus budgets, the original decision-making in 2007 as to the basis and allocation for those budgets, as well as copies of the memos that the Speaker sent at the start of the fiscal year as to the composition of the various caucus budgets. You'll see that there are basically four elements to the caucus budgets: a per member allocation, a leader's office allowance in some instances, a caucus office allocation in some instances, and a committee research component in all instances. As well, there's a handout just summarizing sort of the history of the leader's allowance, that updates some of the previous information that was provided.

The Chair: Any questions to the Clerk with respect to this matter?

Then we can move on to (e), opposition caucus funding. Mr. Anderson.

Mr. Anderson: Thank you, Mr. Chair. We already had a discussion about this at a previous meeting, but obviously the landscape has

changed, so our caucus thought it would be appropriate to bring this issue up again with regard to the issue of caucus funding.

Guy Boutilier has sent a letter to the chair in his role as the Speaker saying that on October 25 he will be joining the Wildrose Alliance Party. I've also seen correspondence from the Speaker saying that he received the letter and that that will be recognized on, I believe, October 26.

The Chair: No, that day.

Mr. Anderson: On October 25.

The Chair: Absolutely.

Mr. Anderson: That will be recognized, and the Wildrose Alliance will be recognized as an official party in the Legislature because it complies with the appropriate legislation, having four members and 5 per cent of the vote in the last election.

I wanted to talk a little bit about how that changes things. Obviously, we've talked in the past about precedent, and there are different feelings on that. I would just remind the committee members that before us there has been something called a leader's office allowance or a caucus allowance – it's been called different things – and since that time no party has ever been denied any part of their funding, certainly not this part of their funding, contingent on whether or not their party leader was in fact elected or not. The most applicable case to this one is, of course, that of Mr. Sapers, who was granted full status as the leader, and the Liberals continued to receive their full funding allocation even after Nancy MacBeth, who was unelected at the time, was elected as the leader of the Liberal Party.

This committee in the past has been very generous in making sure that all parties, not even official parties but unofficial parties, have been given appropriate caucus funding and that leader's office allowance or caucus allowance, depending on what term you like, and that has never been in question. So to depart from that would be, in our view, a complete departure from precedent, especially since the Wildrose has become an official party in the Legislature.

There's also a basic fairness argument here. On October 25 the Wildrose Alliance will have four elected MLAs. The New Democrats have two. Why would they be entitled to have more resources for research and staff than the Wildrose Alliance? That's not taking away anything from the ND caucus. I think they do an effective job in what they've done over the years, bringing up issues that are of concern to a segment of Albertans. That's their role as an opposition party. I think it's been generous, and rightfully so, of this committee to do that. But it would seem very inappropriate that the Wildrose Alliance would receive less funding than a caucus that we are now twice the size of, so there is that basic fairness issue.

We'd also like to take a little bit of issue with the idea that if a caucus party leader is not an elected MLA, they should be denied funding as a caucus. That doesn't make a whole lot of sense if you think about it. We just talked about the need for keeping completely separate party and caucus activities, but what we're saying here is that the only reason that the caucus is being denied certain funding is because something happened in the party or has not happened in the party.

For example, say we had no party leader. Say Danielle Smith wasn't the party leader. Then I would assume that under the precedent that would qualify the Wildrose for full funding, if you look at the Sapers case anyway. It just seems to me that there's a disconnect. We're basing something on a party activity, on whether someone is a party leader or not, when really that should be

completely irrelevant in whether caucus funding is received for anything. To give them funding if they are an elected leader is to say, essentially, that someone who is an MLA who is also a leader of an elected party should therefore be entitled to more government funding. That seems to undermine, in my view, that separation of party and caucus that we've discussed today.

In that vein, because we've become an official party, or we will become an official party on October 25, I have two motions that I'd like to put forward. I'll start with the first one.

The Chair: Allison will hand them out.

11:20

Mr. Anderson: I did circulate this to the committee members previously, but we may as well.

The Chair: Are there two, Mr. Anderson?

Mr. Anderson: Yeah. Would you like me to circulate both just to get it over with?

The Chair: Yes. Proceed.

Mr. Anderson: Sure. If you want, you can circulate the second one as well. Sorry about that.

The Chair: Well, we'll take them one at a time, so just go with the first one.

Mr. Anderson: Okay. Now I don't have a copy of the second one because I just gave it away, but we'll get there.

The first motion that I would move is that for the 2011–12 – whoops. Sorry. We're backwards here. I need the other one first. Someone has got the sticky tabs on backwards here. That's no good. Is that the e-mail?

Mr. VanderBurg: Yeah.

Mr. Anderson: Sure.

Mr. VanderBurg: Don't read my notes on top.

The Chair: Proceed, please.

Mr. Anderson: Holy smokes. This changes everything.

All right. Number 1, the first motion, would be a motion that upon the Wildrose Alliance Party meeting the criteria of a recognized opposition party as defined in section 42(1) of the Legislative Assembly Act, the Wildrose Alliance caucus receive, pro-rated, an amount equal to the leader's office allowance currently allocated to the ND caucus, \$233,249, and this allowance be hereafter referred to as an opposition caucus allowance for all purposes and in all documents and proceedings of the Assembly and its committees. I've already put forward the arguments why we would feel that that would be appropriate.

Do you want to go to the second or just do the first?

The Chair: No. We'll go one motion at a time. We've got the motion in front of us.

Mr. Quest, did I have you on my speakers list?

Mr. Quest: Yeah, you do, Mr. Chair. It's on this motion, but just to back up a bit on this to Mr. Anderson's comments about precedents. It just seems that the Wildrose Alliance would have the committee

believe that the relevant precedents have been set out to further their position, but the committee should know that on – correct me if I'm wrong – July 6, 1998, Mr. Howard Sapers resigned as Leader of the Official Opposition. On July 7, 1998, Mrs. Nancy MacBeth, having been elected in a by-election on June 17, 1998, and with the election appeal period having expired, was recognized by the Speaker as Leader of the Official Opposition.

After this recognition she commenced receiving a salary for that role, and the Liberal caucus continued to receive the leader's allowance funding. Payment of both the salary to the Leader of the Official Opposition and allocation of the leader's office allowance was applied as required by law and consistent with previous decisions of the Members' Services Committee.

In light of this fact, does the Wildrose Alliance recognize that the leader's office allowance should only be allocated to an elected leader, looking at those dates and going back to what you said about precedents? Are those dates not correct? Was she not elected on June 17 and become the leader on July 7 of '98?

Mr. Anderson: You just completely proved our point. As you just read there, when Mr. Sapers resigned, Nancy MacBeth was recognized as the official leader. As it says there, they continued to receive the leader's office allowance, meaning that they continued to receive the allowance that they were already getting when Mr. Sapers wasn't the party leader. He was unelected.

The Chair: Okay. We're not going to have the debate here. I'm going to go to the Clerk. We've got the historical record. That's been documented for us. I was the Speaker at the time.

Dr. McNeil: Just to clarify, the Leader of the Official Opposition is in a different situation than the leader of a third or fourth party. The leader of the opposition does not have to be the leader of the party to be declared as the Leader of the Official Opposition by the Speaker. It's in the legislation. It's in the Legislative Assembly Act.

I'll read the history here. On April 20 Mr. Grant Mitchell officially resigned as leader of the Liberal Party and Leader of the Official Opposition. On April 21, 1998, at the request of the Liberal caucus, Mr. Sapers, a sitting member, was recognized by the Speaker as Leader of the Official Opposition, and he served in that role until July 6. He was therefore eligible for receiving pay as the Leader of the Official Opposition, and having been recognized as Official Opposition leader, the caucus was therefore eligible to receive the leader's office allowance.

Mr. Anderson: That they got before with Mr. Sapers.

The Chair: Okay. We're going to go through the chair here.

Mr. Anderson: Mr. Chair, is that correct? I mean, they did get it during Mr. Sapers' time.

Dr. McNeil: That's correct because he was the Leader of the Official Opposition.

Mr. Anderson: He was not the party leader.

Dr. McNeil: He doesn't have to be the party leader to be the Leader of the Official Opposition.

Mr. Anderson: That's not what we're arguing.

The Chair: But that's what the rules are.

Dr. McNeil: That's what the legislation says.

Mr. Anderson: Through the chair. Mr. Chair, that obviously refers to – we understand the leader's stipend, the salary stipend that they get. We understand that the Leader of the Official Opposition is different in that regard. But with regards to the leader's office allowance, that's not set in legislation.

Dr. McNeil: No, but it's set in the motions that were passed in 1986 and 1987 that say that it's the Leader of the Official Opposition. The leader's office allowance goes to the Leader of the Official Opposition, not the leader of the party in the case of the Official Opposition. It's the same way as the Leader of the Official Opposition receives leader pay, but the leader of the third party, who is not a member of a recognized party, receives pay only if he or she, the party leader, is a member. So there is a differentiation between the Leader of the Official Opposition and the leaders of the third or fourth parties, and that's why Mr. Sapers received pay as a Leader of the Official Opposition. The Liberal caucus, the Official Opposition caucus, continued to receive the leader's allowance during that whole period because during that whole period he was the Leader of the Official Opposition. He didn't have to be leader of the party.

Mr. Anderson: That's what you're saying our leader needs to be: the leader of the party.

Dr. McNeil: That's right because there is a difference between the third and fourth party and the Official Opposition.

Mr. Anderson: Even if it's a recognized party?

Dr. McNeil: Yeah.

Mr. Anderson: Well, obviously there's a difference. The Official Opposition is the Official Opposition, but under the legislation you recognize our party, for example, now. As of October 25 we'll be an official party under the legislation.

Dr. McNeil: Yes, but the only difference is that if the leader of your party is not a member, he or she does not receive leader pay.

Mr. Anderson: Absolutely. We know that.

Dr. McNeil: But if the Leader of the Official Opposition is not a member, the individual who is recognized by the Speaker receives leader pay. So there is a differentiation. In the motions in the Legislative Assembly Act, sections 41 and 42, there is a differentiation with respect to the pay. In terms of the motions that created the leader's office allowance in the first place, there is a differentiation between the Leader of the Official Opposition and the leader of a third or fourth party.

The Chair: Okay. We're going to move to Mr. Rogers, followed by Mr. Hinman, Mr. Boutilier, and Mr. Taylor. Mr. Rogers on this motion.

Mr. Rogers: Well, thank you, Mr. Chairman. On this motion, I guess, before I make my comments, I need clarification. The member refers in the second-to-last line of his motion to an allowance proposing, essentially, to change what is currently called the leader's office allowance to an opposition caucus allowance. I believe we currently get caucus funding for both government and

opposition members. The member is suggesting that we create another opposition caucus allowance, so I'm just a little confused here because we already have caucus funding outside of what's being talked about here. He's proposing another opposition caucus allowance, and we already have caucus allowances for the different caucuses. If we're not talking about a leader's allowance, I don't even know what we're talking about.

11:30

The Chair: Mr. Hinman, followed by Mr. Boutilier, then Mr. Taylor.

Mr. Hinman: Well, thank you, Mr. Chair. Hopefully, I can explain to Mr. Rogers and others on this committee what caucus funding is, then, from our view and what we're trying to ask here. We can battle back and forth across what we've had in the past and what has and hasn't been given. I don't think that that's what we're really trying to do here as the Wildrose Alliance caucus. This is a motion going back – if you read through the minutes, there are times where they said "leader's allowance" or "caucus allowance," and we want to clarify it.

I guess I would start off by saying that if all the legislation, if all the motions and everything else done in the past were perfect and complete, none of us would have to be here. We wouldn't need a government, and we wouldn't need the job. What we're talking about is going forward, a motion being presented trying to clarify and what I want to say is raise the level of democracy and involvement of Albertans through the legislative process. Currently in this government caucuses are recognized, leaders of caucuses that are elected are recognized, and we're in a new paradigm, a new situation here, I guess, wherein one isn't elected and there aren't any by-elections imminently coming forward though some people would like to challenge and have one. If that member would like to step down and have that challenge, well, we'd be excited to, but we're not in control of that.

What we're doing with this motion is asking for this committee to look at this and say: is the playing field level? Is this the intent of Members' Services and Parliament, to punish or say: well, our wording is such that you don't qualify. We're trying to clarify that wording so that the Wildrose Alliance does qualify.

I might add some points on why I think it would be a good thing. It's discouraging to talk to people and even more discouraging to see the number of people that don't want to participate in the democratic process. We talked earlier about wanting to pass legislation where people don't have the right to refuse mail coming in, that they have to listen to us. Yet one member commented: well, but we don't necessarily have to listen to them. If we can put a stamp or something on there – and I should clarify: not have to but to raise the level of that communications back. They'll be discouraged, and perhaps they won't talk to us.

The highest level of democracy is where we can really represent the majority of the individuals yet not stamp or pounce or diminish the minorities' rights. Too often in democracies we get this attitude where: oh, if the majority wants it, then it's okay to take it away from the minority. In a constitutional democracy with a constitution that states and protects our individual life, our rights, and our property – it's unconstitutional even in a democracy to say: well, the majority of us want to take this from you, and we're going to do it without compensation. The bottom line is that, talking to Albertans, they that engage look forward for those people that have been elected to represent them.

I've made a motion going back, I believe, to 2005, trying to change the funding to where it reflected, perhaps, the voting of the

people a little bit better. That was rejected back then. I'll maybe just bring that forward again in a little bit. If we as Members' Services would decide for caucus funding that we're going to give \$5 for every vote that an Albertan votes for a party and they have a member that's elected, to me that would be a reach out saying: "You know what? It does matter if you vote because that caucus is going to receive funding for it." But right now most Albertans look at: "What difference does it make whether I vote?" I think there are ways that we could enhance our caucus funding, one that includes Albertans so that they can be part of that and put their vote down and say: "Yes. I'm voting for that party."

I'll use the example of a party that's no longer registered, the Green Party. They had 40,000 votes, roughly, two elections ago. If we'd passed as Members' Services \$5 for every vote, had they got in, you'd know what their caucus funding is. We need to stop and think that we're legislators. We're here to represent the people of Alberta. We get funding from the LAO to do our research. Is it equitable? Are we really representing the will of the people and allowing that research to go forward? We at the Wildrose Alliance say no, that we're not. We're at a disadvantage. We feel that with four members we should be entitled to more. We feel that this analogy and all this speaking of elected leaders and the leader's allowance is smoke and mirrors.

I would also add that we feel that we're the best friends to the government in that we bring forward many good motions that the government can stand behind and support, yet they seem to want to diminish that research where we feel that the things that we bring forward would be in your best interests. Even acting out of selfishness, you'd say: "You know what? We should fund those guys more, which we don't want to see, because they actually are our bellwether. We can see whether they're too extreme or not, and if that's okay, then we can go forward."

You've recognized the third party when it's from the left, if you want to call it on that paradigm, but you seem to fail to recognize a party that you consider to your right. We think that this committee has the ability to change that funding, that Albertans will look at that and say: "Oh, this is good. They're looking out for our interests. They're trying to be a level playing field." Let's go forward. I believe it's going to be to your detriment if you're going to continue playing this game of charades, saying: "Oh, they don't qualify under this motion. They don't qualify under that motion." We pass motions all the time. We're here to pass new legislation. When something new comes in, we look at it and say: "Is the field level? Are we treating everybody fairly?"

I think that this is a very fair motion that we change the wording from the "leader's allowance" to the "opposition caucus allowance." Like I say, we can go back to references in '86 and other times where they were used interchangeably. They were clarified back then, saying: "No. We're going to call it the leader's allowance." What we're asking in this motion is to recognize the caucus allowance and not say that it goes to the leader's office and only if that leader has been duly elected by the people of Alberta and is a sitting MLA.

We don't think that that's fair. That's why we're bringing this forward, and we'll allow you to make that judgment as the government members have the majority on this committee. We certainly realize that, but we think that you'll be judged accordingly if you're not doing that. That's why we're pointing it out. That's why we're asking for it. We would ask you to vote in favour of this motion. It's for the good of Albertans. It's good for democracy. We think that that's important.

The Chair: Mr. Boutilier, followed by Mr. Taylor, then Mr. Rogers, Mr. Quest, and Mr. Weadick.

Mr. Boutilier: Yeah. Thank you very much, Mr. Speaker. I think it's important, the motion that's in front of us and the questions that have been raised, so that there is no confusion whatsoever that moving forward it indicates opposition caucus allowance for all purposes and in all documents.

I'd like to draw to your attention the purpose of the \$233,249, which I salute, that presently the New Democrats receive for two members. The primary purpose of that amount is to support its members in the conduct of their parliamentary role. It is not for a salary. It is specifically for research and assistance with policy development. The motion being put forward by Mr. Anderson today is essentially indicating that the primary purpose of the caucus amount is for research and assistance. It is not for a salary for any leader or unelected leader; it is for continuing to do our job as parliamentarians.

I hope that answers the question that Mr. Rogers had asked for clarification on. I believe that this is a very good description of the purpose of this amount, the \$233,000. I want to say that when we reconvene on October 25, the two members of the New Democrats, who will be continuing to use their \$233,249 for the primary purpose of research and their parliamentary role as members of the opposition in the Legislature, serve the democratic purpose and serve it very well. I only ask that you all support this motion, because of now not two members but four members in a recognized party of the province of Alberta, that \$233,249 be used for that exact same parliamentary purpose. That's why, to the questions asked today, I ask you all in fairness to support this motion.

Thank you, Mr. Speaker.

The Chair: Mr. Taylor, followed by Mr. Rogers, Mr. Quest, and Mr. Weadick.

Mr. Taylor: Thank you, Mr. Chair. As a visitor to this committee, not a member of this committee, I have voice but no vote, so I will say that I support this motion in principle, more or less. I really don't much care whether you call it a leader's allowance or an opposition caucus allowance or George or Bill or Ted or whatever name you want to give it. I say this as the guy who, once this motion, if passed, would take effect, on October 25 will be the sole independent MLA in the Legislature, so I'm kind of an observer of the passing parade on this one.

11:40

I think someone in the outside real world would have to stand on their head to find the equity and the fairness and the logic in what has transpired here in that the Wildrose Alliance has supplanted the New Democrats as the third party in the House, so the New Democrats are now the fourth party in the House, yet they qualify now, I guess, as an unrecognized party, for a leader's allowance, but the third party does not.

Here's the part that I'm really struggling with, that I'm really having a problem with, because I think I see a precedent here. In the handout that we got just a few minutes ago entitled Allocation of the Leader's Office Allowance Component of Caucus Budgets, it says:

As indicated in a document provided to the Committee in a previous meeting, over the history of the leader's allowance there has been only one instance where the allowance was provided to a caucus other than the Official Opposition when the party leader was not a Member. This occurred for a period of approximately 5 months when Mr. Nick Taylor MLA was replaced by Mr. Laurence Decore as Liberal Party Leader on October 8, 1988 who then became a Member on March 20, 1989.

Mr. Chair, it seems to me that if this happened in even one instance, that constitutes a precedent, and I think that precedent and

the basic principle of fairness and equity need to be brought to bear here, need to apply here. That's why I would be voting in favour of this motion if I could, and I would respectfully suggest that other members of this committee who do have a vote on this support this motion.

The Chair: We have Mr. Rogers, Mr. Quest, Mr. Weadick, and Mr. Hehr.

Mr. Rogers: Well, thank you, Mr. Chairman. You know, the motion by the Member for Airdrie-Chestermere and his subsequent rationale and Mr. Hinman as well refer a lot to equity and equality. I'd almost say to the member: be careful what you wish for. We had some research done. When I look, for example, at the funding per member that we're talking about here comparably, the Liberals receive \$245,018 per elected member; the NDP receives \$280,327 per elected member; the Wildrose Alliance currently receives \$131,604 per elected member; and the independent, Mr. Taylor, \$158,000. The PC caucus receives \$87,353 per elected member. If we were to suggest that everything be thrown in the pot and equalized so that all members across all caucuses would enjoy the same level of funding on a per member basis, I think the numbers might look a lot different.

Let's be realistic here, folks. What we have before us today has evolved over a period of time. There have been a number of accommodations, conventions. We have the legislation that backs up a certain piece of this, and we have accommodations that were made; for example, the level of funding that's afforded to the NDP right now when they were recognized to some extent as an official party when there weren't very many members.

The reason we're talking about this today is because a number of members have crossed the floor to join another party. Frankly, if that was the rationale that we kept moving this stuff back and forth on, I would submit to you that if in November two members of the Wildrose Alliance decided to join the NDP, would we be back here suggesting that we should then reduce that funding? I say to you, Mr. Chairman, that that is not the way that we can equitably do this, as has been raised before.

Furthermore, if we decide that the current process that we're applying may need some change – I go back to my comments made two or three meetings ago – I am not, as one member, going to consider this in the middle of our budget year. If we decide based on the changes once the Leg. is back in session on October 25 – we currently still have officially only three members of the Wildrose Alliance. Once the dust settles and we're getting into another budget cycle, if we decide that it should be investigated again, I might consider it at that time, Mr. Chairman, but I am still not today willing to add any more funding to any caucus around this table based on my support at this meeting. That's where it stands.

The Chair: Mr. Quest, followed by Mr. Weadick, Mr. Hehr, and Ms Pastoor.

Mr. Quest: Thank you, Mr. Chair. Just looking for some clarification here. I'm a bit confused. Mr. Anderson's earlier comments spoke of precedents, and I think we've established fairly clearly that that precedent doesn't exist. Mr. Hinman is now talking about a new paradigm. I guess what I'm looking for perhaps from Mr. Hinman, then, just to clarify: you are looking for a new, an additional unbudgeted expenditure here, something with no precedent.

Mr. Hinman: May I respond to that, Mr. Chair?

The Chair: Sure.

Mr. Hinman: Thank you. Thank you for the question, and I'll try and clarify that. I guess I would start off that I find it somewhat amusing that the members of the government want to say that they won't look at anything new in a budgetary calendar when the government puts out billions of dollars of new expenditure constantly when they think of these things.

What we're looking at is changing the description on how caucuses are being funded. This is about caucus funding, not MLA funding. I think that there was an irrational rationalization on trying to say that we should be paying the PCs \$280,000 for every MLA. We're talking about caucus funding. I think if you actually look at that and realize in a sense that each caucus has the responsibility of having critics for each of the ministries and where the money is being spent, we're already at a disadvantage – again, though, that's acceptable because that's the voting of the people of Alberta – in that four members have to cover all 25 ministries. The ND with two have got a huge load to try and cover that. So you can look at it from many different aspects and rationalize it as we will.

I think that as Mr. Taylor pointed out, for the average Albertan to look at this even standing on their head and twisting and doing whatever else, it wouldn't appear rational to them. I think that as elected representatives with voting privileges on this committee, you should look at that from the point: is this good for democracy? Is this good for Albertans?

We're not looking at changing and increasing amounts. I mean, the dynamics have changed, the flow. They already switched, Mr. Rogers, the MLA funding of \$67,000 when they crossed over, whether they went independent or somewhere else. The question this committee seems to be asking – although we're not going to increase any spending inside the LAO in this fiscal calendar, I would argue that as something changes, whether it's by nature or something else, we respond to those things.

So no. What we want is to change the definition of a leader's allowance to an opposition caucus allowance and to continue following Members' Services where the Official Opposition receives that equal to a minister and the third opposition gets half of that and the fourth opposition would get a quarter of that in other situations. We're looking at full funding for the caucus in order to ensure that we can have the researchers and do the work that will reflect the will of Albertans that have voted in this way and to see a more equitable payment to each caucus rather than the current definition, that we feel is not in the best interest of Albertans and certainly not in the best interest of the Wildrose Alliance caucus.

The Chair: Mr. Weadick, Mr. Hehr, and Ms Pastoor.

[Mr. Campbell in the chair]

Mr. Weadick: Thank you, Mr. Chairman. I just want to talk for a minute. I don't talk a lot at these meetings because I think a lot of good things have been said. Mr. Boutilier brought up a point that tweaked me. He said: democratic purpose. To me democratic purpose is maybe why we're all here. I don't think there's one person sitting at this table that the citizens went out and elected to any caucus. I think the citizens went out and tried to select someone that could represent Edmonton-Mill Woods or Fort McMurray or Lethbridge-West. They didn't say: I want someone to be part of this caucus or that caucus.

We've seen some changes over the past two years. Democratic purpose was listed on March 3, 2008. Democratic purpose said that we have these folks elected to represent these constituencies and

carry their issues forward to the House. I do that in my constituency and here in a totally unbiased manner. I try to bring those issues forward. I try to make sure that the 45,000 people that live in my constituency have a voice here in Edmonton. It's a long way from Lethbridge to Edmonton, but I believe their voice is every bit as important as someone in Airdrie-Chestermere or Fort McMurray or anywhere else. It's all about MLA funding.

11:50

Caucuses. I'm not sure what a caucus is. It's a group of people that choose to work together to try to provide some common purpose. That's great. We can form caucuses. We can do whatever we want. But the citizens elect us as MLAs. They elect us to represent them. When I look at the funding per member, I think that is critically most important. I don't care about a caucus or what it's called, to tell you the honest truth. But I'll tell you what. A citizen in Lethbridge has \$87,000 directed towards their member to represent their interests. A citizen in some ridings has \$280,000 towards representing their interests. That's okay. At this point, that's the way the discussion has been done because there is some need for leaders to move around the province. I appreciate all of that. But I believe that we do need to make sure that it's fair and equitable, that every Albertan that exercises their democratic purpose has the right to have their voice heard.

It's not all just about the money. Right now if you're a PC caucus member, you have .88 of a person to help you, to help you with research, to help you with answering your phones, to do all the stuff at the Legislature, and all that you have to do: .88, less than one. So you struggle through it, and you do the best you can. You work hard, and you get out in your constituency and meet people. You have .88. When I look at the others, the NDP have three staff per elected member to help them with that job. The Wildrose have two staff per elected member to help them with that job. The Liberals have 3.4. So if we're going to do research and come up with really good ideas, if we're going to take the good ideas that constituents in Lethbridge, Alberta, have and try to pursue them, I get .88 to help me do that. If we want to talk fairness towards that person living in Lethbridge, we'd better convince them that that's all they're worth: that amount of effort.

[Mr. Kowalski in the chair]

All I'm saying is that I think that at some point we have to revisit this entire funding formula and try to figure out a way where MLAs are equitable. Let me tell you, I don't want one Wildrose or Liberal or NDP to feel they can't represent those constituents. I want to make sure that we all can. I want their voices heard, and I want to know that we can do it. So I will a hundred per cent support anything that makes sure we can all do that job, but I also want to make sure that it's done in a fair and equitable way. I didn't have any part in getting to these numbers. I don't know how they were determined over the last 20 or 30 years. But I think that if we're going to be fair after the next election, we need to make sure going in that everybody knows how they're going to be funded and how MLAs can do the job that they're given.

How we get over the next 18 months or whatever it is to the next election, I'm not so concerned about. I want to make sure that we don't expend too much extra money either because as fiscal conservatives we know that we've just gone through a helluva budget cycle. Times are tough, and we just can't afford to spend a whole bunch of extra money. So whether we can redistribute a little bit of this, whether we can make sure that there's a little bit for everybody to get the job done over the next year and then come up

with a process so that after the next election we know that all these different parties that are going to be here, whether there are two or three or five parties, all know what kind of funding they're going to get.

I will support the idea that MLA funding is the single most important piece because that's what we're elected to represent, those people in our constituency, and that's what I support. All this caucus stuff I have much less support for. It seems a little bit more partisan and a little bit less about trying to represent those folks in Lethbridge.

I had to say my piece on that. I don't really believe that this changing names is critically important. I think we need to make sure that every member is properly funded to do their job. Thank you.

The Chair: Mr. Hehr, then Ms Pastoor, and if there's no one else on the list, I will recognize Mr. Anderson to close. Oh, Ms Notley. Okay. And then Mr. Anderson to close the debate, and we'll go to the motion.

Mr. Hehr: Well, thank you, Mr. Chair. I'm going to support this motion by the Wildrose. I think a lot of what we've had here is a history lesson on why decisions have been made. At times there have been allowances by this committee for one reason or another, but historical reasons are not of the democratic situation here in Alberta. Primarily the Progressive Conservatives over the last 40 years have won the vast majority of the seats. Allowances have been made to allow for democracy to struggle and emerge and to allow for different voices to be heard, and I think that's why we're here today. We see that ebb and flow have happened as to why these decisions have been made, why the rules haven't been exactly followed. I think those were primarily good decisions in the past to support the process.

Yes, we can look at the rules as they are or as they should be, but those are why those decisions have been made, and I think today would be an example of one of those situations of recognizing the ebb and flow of things as they are here in Alberta and to continue this tradition of making the best of the situation as it is. I would support this motion on that basis.

Thank you very much.

The Chair: Ms Pastoor, followed by Ms Notley.

Ms Pastoor: Thank you very much, Mr. Chair. I think that I can safely say that I know why both Lethbridge constituencies are so well represented. To everything that the Member for Lethbridge-West has said, I will say amen. I think we operate in a very similar fashion, and our thinking in terms of looking after our constituents is very much aligned.

I will support this motion for some of the reasons that the Member for Calgary-Glenmore has said. I believe in fairness, and the argument about fiscal budgeting, et cetera, et cetera, I'm sure will quickly go out the window when we see the supplementals this fall. There are always supplementals, certainly since I've been sitting here, to get them through to the next budget cycle or whatever reasons that we vote on these supplementals. So I can't buy that budget argument. Again, I'm not afraid of a level playing field. I think that all communities are better off when the playing fields are equal, when the referee is fair, and whoever wins, wins, and I think everyone does their best out on that field.

With those few words, I will say that I am supporting this motion.

The Chair: Ms Notley, followed by Mr. VanderBurg, then Mr. Anderson.

Ms Notley: Thank you, Mr. Chair. I will say at the outset that I struggle a little bit with this motion for a couple of reasons, although I think ultimately I will vote in favour of it. The reasons I struggle with it are twofold. First of all, I don't agree with the inclusion of the recognized opposition party in the motion for reasons that are, obviously, deeply self-serving. It's not just self-serving to our caucus because we do not currently meet the official party recognition criteria, but it's also because as other people have talked around the table, we have a long history in this province of having very large government caucuses and small opposition caucuses. Having been involved in politics myself in one form or another for probably 40 of my 46 years, I've seen our caucus, you know, drift from one member to two members to 16 members to four members to two members. You know, I mean, notwithstanding what the hon. member from Lethbridge said, people don't always want to vote NDP just on the strength of our candidates. As a result, we sometimes end up getting a little smaller.

Having said that, though, the history in this committee and the precedent has been that this issue has been addressed on the basis of caucus and function rather than on the basis of official party status. For that reason I'm not comfortable with that. I'm also not comfortable with the idea of changing the name from the leader's office allowance to opposition caucus allowance because I do think that if you look back at the history of how this leader's office allowance was developed, it was done with reference to the work done by the leader in caucus. So that's where I'm a little uncomfortable.

But it's at that point that my mind starts to change. We had a very robust discussion earlier this morning about the difference, how one can function as a member of a caucus and have a lot of work to do and how that is very different from the work that one does as a member of a party and how we must be always very clear to distinguish between the two and recognize that there is a great deal that falls in that former category; i.e., work done by the caucus.

12:00

The leader, or the person who serves as the leader in the caucus, whether that's a person who's been elected by an outside body, which we're going to call a political party, or whether they've been appointed by their caucus members, does have a lot of caucus work to do. When you are the person that's taken on the unforgiving job of being the leader of your caucus in the Legislature, then there is a tremendous amount of extra work, and that is the history behind this allowance. For that reason I am uncomfortable with the fact that we have a situation where the Wildrose Alliance caucus has actually offered up an appointed caucus leader who we're not prepared to compensate. That's where I get uncomfortable.

I know that this issue has been fully canvassed in the previous meeting, but at the end of the day I think that's where we're seeing this profound unfairness, in that the appointed caucus leader of the Wildrose Alliance is not being given the leader's allowance in the same way as those leaders in other caucuses, who serve as leaders of their caucus, not leaders of their party. They're not being funded for being leaders of their party; they're being funded for being leaders of their caucus. They're getting the funding, and the caucus leader for the Wildrose Alliance is not, so I'm concerned about that profound unfairness.

As well, I think there were a couple of people that said that there is no precedent, but just to clarify, the situation with the former member from almost the chair's riding – I think there was overlap there – Nick Taylor . . .

The Chair: Heavens, no.

Ms Notley: Did he not represent part of your riding at one point, the southern part of it?

The Chair: I won it back when I showed up.

Ms Notley: Okay. Nonetheless, that former member, Mr. Taylor, was the appointed leader of a third party while that third party had a party-elected leader outside of the House, and that appointed leader received the funding, not the salary funding – I don't know; maybe they did, but that's not what's at issue here – but the leader's allowance funding. So it seems to me that there is a precedent.

As much as I'm uncomfortable with this wording, I'm concerned about the unfairness, so I will probably reluctantly support this motion, notwithstanding my severe concerns about the way it's worded and how it doesn't actually get at the history and the precedent. But the outcome, in order to ensure fairness that does get at history and precedent, will be the same.

The Chair: Okay. With respect now, I did indicate before that I would recognize members. Mr. Hinman, I've already recognized you once. Mr. VanderBurg I have not. He's on my list. Then I said that that would conclude it and allow Mr. Anderson the opportunity to conclude the debate on it, okay?

Mr. VanderBurg: Well, listening to the comments from the opposition members, I struggle with the thought: if I were in opposition, what would I be saying? Probably the same comments. If I had maybe a way to offer something as a government member to the opposition members that if in the future, since our leader doesn't get a leader's allowance and the leaders' allowances are only granted to opposition parties, if the opposition parties were to get together and decide to allocate it evenly to have an equitable amount of funding, I would be willing to hear those arguments, but that would have to come from the group as a whole.

The Chair: Mr. Anderson, then, to conclude the discussion on this motion.

Mr. Anderson: I thank you, Mr. Chair, and I thank the hon. members for the robust debate. I really enjoyed Greg's comments on democracy and representing, that at the end of the day it's the per-MLA amounts and the ability of an MLA to represent his constituents and that caucuses should mean a lot less than they do, and they truly should. I believe that completely.

That said, it is apples and oranges. Actually, the sincerity of Greg's comments was very clear, but at the same time, you know, as much as we like to make these artificial walls between the LAO and between legislative activities and government activities and all that sort of thing, we don't have access at all to the same resources as a government MLA. I've been in both. It's not even comparable. I remember that as a member of the government caucus I could phone up a deputy minister and get an explanation immediately to the dollar if I wanted to. I could get anything researched if I were to go through the minister on a certain subject, and they would do it. It is different. It isn't the same. There are fixed costs in trying to put together a credible opposition: research, communications. We just don't have a Public Affairs Bureau. We don't have that kind of money at our disposal, and although you don't directly have that either as a government member in and of yourself, you do have that access, and clearly opposition members do not. I mean, it would be silly to argue that point. We all know that's the case.

I really feel that this is important to democracy. I know that there is a fairness that some of the members around this table, including

some on the government side, in their heart of hearts, know is appropriate here. You know, when the average Albertan looks at it, what are they going to say? They're going to say that there's inequity. There's no doubt.

I could go over the precedents again. I'm not going to bore you with them because we've gone over them a hundred times. But these are the Clerk's own words here:

As indicated in a document provided to the Committee in a previous meeting, over the history of the leader's allowance there has been only one instance where the allowance was provided to a caucus other than the Official Opposition when the party leader was not a Member.

This is when the Liberals were the third party, the NDP was the Official Opposition, correct?

This occurred for a period of approximately 5 months when Mr. Nick Taylor MLA was replaced by Mr. Laurence Decore as Liberal Party Leader on October 8, 1988 who then became a Member on March 20, 1989.

So, Mr. Quest, with all due respect, all of these precedents are relevant. That one is directly relevant.

The precedents clearly show that in the past whether the caucus leader and the party leader are the same person means nothing. The caucus funding follows. That leader's office allowance follows. With that, I would challenge the government members to support this and all members to support this. If they do not support this, I'd ask that they start coming up with some ideas for moving forward that will be fair, taking into account the fact that we do not have in the opposition anywhere close to the access that you do to government resources.

With that, I'll close debate.

The Chair: A motion has been put forward by Mr. Anderson. The motion reads:

Upon the Wildrose Alliance meeting the criteria of a recognized opposition party as defined in section 42(1) of the Legislative Assembly Act, the Wildrose Alliance caucus receive, pro-rated, an amount equal to the leader's office allowance currently allocated to the ND caucus, \$233,249, and this allowance be hereafter referred to as an opposition caucus allowance for all purposes and in all documents and proceedings of the Assembly and its committees.

This is a motion taken as a whole. Would all those members in favour of the motion please raise a hand? Would those opposed please raise a hand? The motion is defeated.

Now, you have a second motion, Mr. Anderson. May I make a suggestion to you on the basis of your last comments, "If somebody could give me some advice or help as to how we might solve this" or something to that effect. Might I offer the following? You have a motion that deals with the 2011-2012 fiscal year. I'm going to encourage you to read the motion into the record. Then I'm going to ask you to propose that we defer the motion until this committee meets again to deal with the whole, complete budget for the 2011-2012 fiscal year.

It's my view that if you move with this motion today, there is a high probability that it will be defeated on the basis of the previous experience. If it's defeated, then you would be hard-pressed to bring it back into the fold when the committee looks at its budget for 2011-2012. The committee will in all likelihood look at its budget for 2011-2012 probably in the early few days of December of this year. Then we'll probably spin around all these things and talk about all the things that we want in the budget and may even agree to what we want to propose for a budget for the next fiscal year at that time, but probably it will lead to a second meeting, perhaps no later than the first few days of February. There's a chance then.

12:10

Mr. Anderson: So you're saying that I have a chance.

The Chair: I'm trying to encourage in a positive way to try and recognize the environment and where the winds are at the moment, and that's a suggestion. I'm going to invite you to read it. Now, whether you choose my advice, that's your business, but I'll invite you to move forward with your motion.

Mr. Anderson: I'll read it in, and I would like to hear from George Rogers. I would like to see what he has to say. I'll read it into the record, and then I'm going to give heed to the chair's advice on this after hearing what George has to say.

For the 2011-12 fiscal year and subsequent fiscal years the Members' Services Committee provide in the Legislative Assembly estimates for an opposition caucus allowance equalling at least one-half of the Official Opposition caucus funding for any caucus constituting a recognized opposition party as defined in section 42(1) of the Legislative Assembly Act without affecting the discretion of the committee to allocate all or some of that amount to a caucus that fails to meet the criteria for a recognized opposition party.

The Chair: Would you like to add anything further to it?

Mr. Anderson: No. I'd just like to hear George's comments.

The Chair: Okay. Mr. Rogers.

Mr. Rogers: Thank you, Mr. Chairman. To the hon. Member for Airdrie-Chestermere I would like to say that I would look forward to this discussion around what he's proposed here at the time we discuss the budget later this fall and, obviously, depending on what the complexion of the House looks like after we open in October. I really like the tone of this, and I look forward to that discussion later this fall if he chooses to proceed as you have advised, Mr. Chairman.

The Chair: Mr. Boutilier.

Mr. Boutilier: Yeah. Thank you, Mr. Chair. To the hon. Member for Leduc-Beaumont-Devon I would pose just one point relative to the issue of research and parliamentary dollars that go towards members as allocated by this committee and as indicated in my letter to the chair indicating on October 25. I would wonder if he would have any opinion on the amount that, in fact, rests with this member right now relative to the research amount that is there as that had been budgeted during the fiscal year that you spoke of earlier. Specifically, it's included in the fiscal year of '09-10. Obviously, it's my understanding that under the existing rules that amount actually would be lost to this member.

The Chair: Do you want to proceed, Mr. Rogers? You've been asked a specific question.

Mr. Rogers: Well, Mr. Chairman, to the hon. Member for Fort McMurray-Wood Buffalo, I believe that's beyond, certainly, my discretion or anything like that. I would say that we have processes in place, Mr. Boutilier, and what they may be, that would deal with this situation, I'm perfectly willing to see them . . .

The Chair: Well, thank you very much. The following processes are in place. Mr. Boutilier has sent a letter to one of the staff officers in the Legislative Assembly Office asking him for a review

of this matter and an interpretation of it. It will be brought to my attention, and it will be resolved prior to.

Okay. Anything else in this matter?

Mr. Anderson: I'd like to defer it, yes, to the date you talked about.

The Chair: Okay. So the committee agrees that this will remain on the books as a motion for the future.

We have one additional item here – and we're going to deal with it as well – caucus staff compensation. I've asked the Clerk and Parliamentary Counsel just to provide a quick overview with respect to this matter as it leads to an exchange of ideas that you'll find in your document.

Dr. McNeil: I'm going to defer to Parliamentary Counsel here in terms of his greater understanding of this issue than myself.

Mr. Reynolds: Thank you, David, I think. In any event, this item relates to some correspondence between Mr. Mason and the Speaker that's found at tab 5 of your binder with respect to the public service salary freeze that was announced by the government. It was implemented by way of a directive under the public service employment regulation effective January 7, 2010. I think the correspondence discusses for you what is entailed in that freeze, which was effective April 1, 2010, and runs until March 31, 2012. Just to complete the circle, as it were, the Public Service Act is applicable to employees of the Legislative Assembly Office by virtue of the definition section of the Public Service Act, section 1(b)(iii), for anyone who's perhaps interested.

Under the Legislative Assembly Act there is a provision in section 19, which I think has been distributed a number of times today, which allows the Members' Services Committee to allow that any directive, regulation, et cetera, made under the Public Service Act is inapplicable. It doesn't say the act. The act still applies to employees of the Legislative Assembly Office. It's just directives, et cetera, that could be made inapplicable. The directive with respect to the salary freeze is effective and binding on the LAO unless, of course, Members' Services Committee dictates otherwise.

Mr. Speaker, those are my comments on the matter.

The Chair: Okay. Fine. When the committee approved the budget for the Legislative Assembly for the fiscal year we're currently in, it was thoroughly aware of the position taken by the public service in the province of Alberta. It was absolutely aware of the freeze that was going into place. All members' caucuses basically received correspondence from me in March of this year on how it was to affect all employees, in-caucus employees and other employees as well. During that time frame for the decision being made by the committee last fall and my memo in terms of March, no request was made by any member to review this with respect to terms of exemptions or anything else. All basically said that.

Then I received a piece of correspondence from Mr. Mason, and you have copies of my exchange back and forth. In fact, I think you've all been copied as this correspondence has come along.

Basically, where we're at: there's a freeze that goes from April 1, 2010, to March 31, 2012. We follow the rules of policy. It's been traditional. We've done this all along. We've taken the view constantly that we would not lead the public service in the province of Alberta; we would follow the initiatives taken in that regard. That's where we're at.

Mr. Mason, who is not here, but I presume Ms Notley is going to speak on his behalf, essentially wants to have an exemption that basically says that each caucus can make whatever decision they

want with their manpower. Please recognize that all contracts are signed by the Clerk, that all these people are employees of the Legislative Assembly; they're not your personal employees.

Ms Notley.

Ms Notley: Thank you, Mr. Chair. I think there are basically two issues at play here. I'm not going to spend a lot of time on the first one although, because I think it does impact a little bit on sort of the policy issues around the second one, I am going to spend a bit of time. That question is the relationship that members of this committee have vis-à-vis the terms and conditions of employment for those people who work for their caucus. Now, I'm fully aware of the application of the Public Service Act, and I am fully aware of section 19 and so on in the Legislative Assembly Act as well.

What I'm unsure of, really, is the degree to which the actions and the practice and the traditions of this committee have effectively in the past amounted to an order that would render any directive under the two acts that we're talking about inapplicable to a certain class of employees. In particular in this case, the class of employees to whom I refer are those employees who work directly for caucuses.

12:20

In the past although the Clerk signs off on the employment contracts – and I believe part of the history of that relates to problems that arose with respect to the liability of individual members were the Clerk not in that role – the practice has been that the caucuses have been in control of the terms and conditions of employment with respect to their caucus employees. So while we had a memo from the chair of the committee that suggested that for the employees of caucuses, like all employees of the LAO, their terms and conditions mirror that of the public service, I believe it's correct, but that's not actually what's been happening in practice.

For instance, in our caucus as much as I would like for our staff to receive compensation levels that are exactly in line with what they would receive were they members of the public service – hence, we would probably have fewer incidents of them leaving us to go to the public service – that's not the case. In fact, we have been given great latitude to negotiate contracts with our staff and to define what it is we could pay them. So I would suggest that through that practice we have effectively already, as per section 19(2), essentially ordered that certain aspects are not applicable to certain classes of employees and that those classes of employees include the employees who work directly for caucuses.

The reason I would say that as well is that I would refer to a conversation that occurred in this committee back in 1999, when this discussion was held. I will just distribute through the chair a copy of the section of *Hansard*. In that case the members of this committee were having a conversation about whether or not caucus staff were eligible for merit increases which had been provided to members of the public service. At that time essentially what happened was that this committee made the decision that your budget was set at your budget meeting, as is appropriate under the terms of the Legislative Assembly Act. That's what you work with, and how you distribute that budget and how you structure your compensation payments is entirely up to you. For that reason, the argument was made that caucus staff employed by the LAO as staff directly for the caucus were not eligible for the merit increases.

I just would like to quote the then chair, who is also the current chair. He says, "I have no idea how you pay people in the Liberal caucus. We don't discuss that budget here." And then he goes on at the bottom of the first paragraph on the second column.

If you want to pay your director of communications \$600,000 a year, it is your choice. Whoever's playing with it, it is your choice. If you want to give him a merit increase of 30 per cent, it is your choice. That's the way you said you wanted it.

That implies to me that at some point in the past the Members' Services Committee has effectively crystalized that parliamentary tradition that caucus has control over the terms and conditions of employment of that subset of LAO staff who work directly for caucus. So that's my first point, that I actually am not entirely sure that that freeze should have applied up to this point.

Now, I really want to focus more on a go-forward basis, and on a go-forward basis I'm asking members of this committee to specifically address this issue and whether or not caucus can make a decision about the pay scales of the people who work for them. In our particular case, in our caucus, as I said before, although we have a tremendously devoted cadre of employees, they through their devotion end up taking up positions where they are paid less than they would be if they were in similar positions in the public service. One way we manage to draw them into that spiderweb of exploitation is by promising them that we will adhere to a grid so that as they spend more time with us, we reward them for the time that they spend with us. They move themselves up the grid.

Now, the way we restructure our compensation with our employees is twofold. There are grid increases, and then there are also whatever increases the public service gets. We understood that when this committee met before, when the committee said there would be no increases, our staff would get a zero increase in terms of that percentage increase. They understood that, we understood that, and there's no disagreement with that. We also believed that they would be allowed to move up the grid, as it were, on the basis of their seniority because that's what we had promised them. That's what we had negotiated with them. As a result of the representations we made to them in the course of negotiating their terms and conditions of employment, that's what they expected.

Of course, the LAO staff are not specifically involved in that process of us negotiating the terms and conditions of each employee's employment unless we invite them in, which we have. We have periodically invited them in to assist in a few places, but that's always, in my understanding, been at our discretion. We invite LAO staff in to give us advice, which they often do, and it's very helpful, but we at the end of the day can also complete the negotiation on our own without them there. Having done that, and then having this decision made separate from the caucus outside of this meeting puts us in an awkward position.

I also think that it has a broader precedent in terms of the control that caucus members should have over their budget. I just think in the long term, outside of the parameters that we discussed at great length with Mr. Ellis earlier today around what's in and out of the guidelines in terms of how we distribute our budget, if we want to hire nothing but researchers and never talk to the media again, I'm sure some people would be very happy with that. Maybe all we want to do is talk to the media and not know the slightest thing that we're talking about and have no researchers. Some people might suggest that's what we do already, for instance. Either way, that's our decision.

So I'm concerned by what this represents in terms of the go-forward. I would ask committee members – I haven't made a formal motion. I don't know, Mr. Chair. Would you entertain one?

The Chair: Absolutely. What's your motion, though?

Ms Notley: My motion, then, would simply be that the committee conclude that with respect to the issue of the public service salary freeze, it is not applicable to the direct employees of the caucus as a subset of the LAO staff, within the confines of the budget that has already been approved, of course. We're not looking for an increase in budget.

The Chair: Well, we'll see if Allison gets this motion down pat. But before we go to a discussion on the motion, just a comment or two for clarification as you drew a certain person into your conversation. And please recognize I didn't just fall off the bus or arrive in town. Okay?

The hon. member quoted something from December 16, 1999. I was here. I chaired the meeting, a part of it, had already been a member of the committee for a great number of years, had sat down and talked to representatives of your caucus with respect to how you would deal with these things. There was no freeze that the committee had agreed to in 1999, so the conditions were really entirely different than they would be today.

Secondly, since that time a whole series of new initiatives have occurred with respect to enhancing the conditions, the work environment, the opportunities, the benefits to all employees of the various caucuses. In the case of your caucus surely you're not making the argument that you do not have enough funds to pay the people appropriately when your member, who usually sits in this committee, has appropriately told the committee on various occasions, certainly has told me on numerous occasions: "Well, we just hire more people and pay them less, so we can have more people. That's why we need all the office space we have over there."

You know, the previous discussion basically was that somebody else didn't have any money. You got \$560,654 for two members for the appropriate staff that you have. If you want to pay somebody on an equitable basis with anybody else in any other caucus, you can do that. There's nothing that prevents you from doing that. But we also have a freeze that your peer agreed to at this meeting.

12:30

Ms Notley: Again, Mr. Chair, I'm not sure that most of what you were talking about actually directly relates to the issue at hand.

The Chair: Totally. A hundred per cent.

Ms Notley: I'm not in any way suggesting that this has to do with whether we have enough money or not enough money. That's not what I'm talking about at all. That's not what I raised at all in the course of it.

The Chair: No, you did. With due respect, you said that you could not pay your senior people on par with people paid elsewhere. You said that.

Ms Notley: What I said was that we do not, and I raised the point simply to emphasize the fact that we already do not follow the public service model of payment. That was the purpose of making the point, that previously it had been asserted that where this committee was silent, the public service structure is what we all adhere to, but that's not what's happening in practice. I mean, we'd love to, but we don't, and that's fine. I'm not making any assertions one way or the other on that. All I'm saying is that the practice is that we don't necessarily follow the public service model already.

The Chair: We have Auditors General that view us and our performance, Ms Notley. How could we not follow the rules?

Ms Notley: We don't use the same salary schedule.

The Chair: Well, you don't have to. You have that privilege and benefit given to you.

Ms Notley: That's my point. That is my point. My point, then, is simply that because we have been given the privilege and the benefit to define the salaries of our staff separately from the way the remainder of the staff in the LAO and the public service are assessed, the same should apply to this new element of the public service salary structure, which is the freeze, and that it be up to us whether we freeze it or whether we continue to give them a raise in whatever form we do within the confines of the budget that we agreed to and that this committee agreed to.

The Chair: Okay. We have a motion before us, and the motion basically says, as I understand it, that under section 19(1) of the Legislative Assembly Act the Members' Services Committee may order exemptions that, it would basically say, shouldn't apply to the Legislative Assembly of Alberta. Although the motion was narrower than that, in this case I've got to believe it would have to apply for everybody rather than just one caucus.

Ms Notley: No. What I had said was that it would be employees directly employed by a caucus, so that's a subset of LAO employees. That's the group I'm suggesting, not just our caucus but employees directly employed by any of the caucuses.

The Chair: Everybody understand that, then?
Okay. We have a motion. Anybody want to participate?

Mr. Anderson: I just want to say that I support the motion. The reason I support it is because, you know, we have a fixed amount in our budgets. How we strategically allocate those dollars – communications, if we need to keep somebody who's on staff who could be making more money elsewhere, et cetera – we need to have that flexibility within the confines of the budget. I could see it if this was additional money that was coming into the budget, but if this isn't spent on people, it's going to be spent on paper clips and pencils and whatever else we can think of and conjure up to buy as a caucus: paper supplies, office supplies, whatever. Great. If caucuses want to use it for that purpose, that's fantastic, but if they want to use it to keep good people, as long as it's not adding anything to the budget total, then I completely agree with it.

The Chair: Okay. Just for clarification, only one caucus has returned money to the Legislative Assembly in recent years. Only one.

Mr. Taylor: Mr. Chair, I would say that I would support Mr. Anderson's point that if it's not spent on people, it'll be spent on paper clips in the case of most caucuses.

A good point, a fair point, and let's reiterate again that this would be within the confines of existing caucus budgets, so there is no request here for additional money. However, if we were to follow along – and I'll ask this question through the chair to Ms Notley – with this motion and approve this motion worded as it is, restricted to employees of the LAO that are staff of caucuses, then does that not in effect discriminate against constituency office employees, who also are paid out of constituency office budgets? Therefore, I would suggest – and I might be reading this wrong – that if it's fair to take the shackles of the freeze, if you will, off employees of caucuses, it should also extend, in the interests of fairness and equity, to employees in constituency offices. Just a thought.

Ms Notley: Through the chair?

The Chair: Go ahead, please.

Ms Notley: Certainly, as the mover I would be prepared to entertain that as a friendly amendment to the motion if that's deemed in order.

The Chair: It hasn't been moved as an amendment.

Mr. Taylor: Mr. Chair, as a visitor am I entitled to move an amendment? I believe Ms Notley said that she'd be willing to move it.

The Chair: No. We'll get somebody else to do it. Then it will be really clear. Okay?

Mr. Hehr: I so move that amendment.

The Chair: You're going to move that amendment. Which is it again?

Mr. Hehr: That Ms Notley's rationale should also apply to the constituency office staff budgets.

The Chair: Okay. We have a motion now with an amendment. Ms Pastoor, you'd like to speak to the amendment?

Ms Pastoor: No. I was just having moment of clarity. I didn't think that at this point in time I actually negotiated. I believe that all my staff are on grids controlled by the Clerk's office.

The Chair: Well, there is an option there to move them through grids.

Ms Pastoor: The whole point of my losing a staff member was because I would be able to affect their monetary reward when, in fact, I can't.

The Chair: Others to participate? We have a motion that has been amended. Does anybody else want to participate? Do you want to close the debate, the discussion?

Ms Notley: I've just got a written version of it now.

The Chair: Okay. Then let's just put it on the record so that we have it really clear. Proceed, please.

Ms Notley: That
the directive issued under the public service employment regulation by corporate human resources effective January 7, 2010, implementing a salary freeze not be applicable to the staff employed by the caucuses represented in the Legislative Assembly and to the staff of constituency offices.

The Chair: Okay. We won't get into any trouble if we just take this as one whole motion, then? Would that be fine? Instead of a motion as amended, we've got a new motion. Okay. Fine. Any further discussion on the motion?

Ms Pastoor: I would like it severed. Sorry.

The Chair: Okay. A request made to sever it. Ethically, that would be the appropriate way because that's the appropriate way it came. All right. Anybody want to talk, then, to the amendment? Well, then, all those in favour of the amendment, please say aye.

Ms Notley: I'm sorry. What was the amendment?

The Chair: The amendment is

to apply to have an exemption for constituency office budgets.

All those in favour of the amendment, please raise a hand. Those opposed to the amendment? The amendment is defeated.

Now we will deal with the main motion. The main motion, Ms Notley, as you have moved, is to have an exemption for caucus staff. All those in favour of the motion, please raise a hand. Three. All those opposed to the motion, please raise a hand. Seven. That has also been defeated.

Mr. Hehr, you voted for that?

Mr. Hehr: Yes.

The Chair: Okay. So it was 7 to 4.

Mr. Anderson, you wanted to have an additional item raised? You just came during the meeting. Go ahead. We've got some time.

Mr. Anderson: Yes. I'll just keep this very short. If we could pass this out. It's a motion regarding the MLA for Fort McMurray-Wood Buffalo.

The Chair: It would have been really helpful if this would have been brought to the attention of the committee when we had the approval of the agenda, and we would have had a chance to see this. You realize it'll not be met with much enthusiasm.

Mr. Anderson: I very much appreciate you letting us do this.

Obviously, we're going to be in a situation because of decisions that were made at the meeting today where our caucus is going to have a great amount of difficulty keeping our current staff as well as Guy's staff when they move into the caucus. On a per-member basis we actually have fewer dollars once Guy joins our caucus because we don't have the caucus research funding.

12:40

I very much appreciate George Rogers' as well as the chair's comments on at least entertaining a debate on the second motion I brought forward earlier. In the interim we're going to have some issues here staffing-wise. This motion would also address, I hope, the issue of in-year budgeting, of making changes to the budget. This would keep the budget essentially the same, the way it was approved. It also avoids the precedent of making in-year cuts to members' budgets, which, of course, causes a whole bunch of practical problems with staffing. The motion is that

the research amount already allocated to the MLA for Fort McMurray-Wood Buffalo for the fiscal year 2010-2011 follow with him upon his joining an opposition caucus for the remainder of the fiscal year.

Again, I hope that the members will at least allow Guy to keep his funding so that when he comes over, the research funding will follow so we can keep his current staff members on until this next determination is made when we discuss in December what we're going to do going forward on caucus and research funding, which we discussed earlier today. I'd welcome any points.

The Chair: Just for the information of the committee, the research amount on an annual basis is \$96,296. The chair is open to questions, debate, discussion. Mr. Rogers.

Mr. Rogers: Thanks, Mr. Chairman. Again, nothing specifically against the member or his staff or staffs, plural, whatever it may be. I'm just wondering how appropriate it is for us to make this decision here, and I look to you and the Clerk for some clarification. Pretty much everything we do here is driven by a political process. We're

not talking parties here, but we're talking a political process. The political process that's happening here is that one member is moving from an independent status to join another political party, hence the change here. Between you and the Clerk do we not have anything in process that deals with this, rather than this committee making a motion here? It seems odd.

The Chair: There is a process.

Mr. Rogers: Is this the process?

The Chair: No, no, no. The process is that it applies to everything. Well, in the case of January of this year, when two members switched from one caucus to the next, immediately upon receiving a letter from the two caucus members who said that they were going to join the WRA, I sent a memo within a matter of minutes of receiving that memo to the government caucus saying that they were losing funding for two members, and I immediately sent a memo to the WRA caucus saying that they were receiving funding for the two members. So in the case of a situation that may occur at 1:30 p.m. on October 25, 2010, a memo would be sent basically saying that that's when the per-member allocation for committee research would cease.

Mr. Rogers: Hence my question, then, Mr. Chairman: why would this committee do anything different than what is the norm, that has been dealt with expeditiously by you in the past, and we would expect you to do the same? Why would this committee need to make any motions here? The process is the process.

The Chair: Because the committee is king, and I'm a mere servant.

Mr. Rogers: Oh, we are.

The Chair: Okay. The committee has a motion before it and now can proceed. Mr. Hinman.

Mr. Hinman: Thank you, Mr. Chair. Like I said, it always makes me ponder why we have these committees, then, Mr. Rogers, if in fact everything, the process, is already set. We come here to discuss things – things change – and go forward. I might mention that this member didn't leave a caucus, and the caucus didn't vote on it. He was booted out by a leader who said that he was no longer wanted. You want to judge and appear to judge on people leaving and other things. Well, this is the opposite.

This member was granted – and we had that in place – research funding. Again, you talked earlier about being fair. Well, why did a single one receive that and not all the other MLAs have that single research money? A good, valid question to discuss. We went forward, but what we're looking at right now is a situation where this member with the funding has hired researchers, hired staff. Again, the precedent was set. In the previous meetings we talked about when the Liberals had lost a member and, going forward, that they didn't want to cut the budgeted allotment to that caucus and lose staff, so they carried on.

We always come in here and look at the precedents. We judge. We see if things have changed and then go forward. That's the reason why we're here, why we can vote on these motions. I'd very much say that I think that in order to try to keep a more equitable field, this is one way that the committee could look at and say, "Well, this has been allotted; the budget is out there" and allow it to follow the member rather than having to face the problems of not having that funding and having to make compensation in the staff numbers that we have because of that.

I think that this is very applicable and can be voted on by the members here. I would hope that you would support this motion and, going forward, allow that funding to stay with that member.

The Chair: Mr. Elniski, followed by Mr. VanderBurg.

Mr. Elniski: Thank you very much, Mr. Chair. I just have a little bit of a question. When we talk about funding that follows members, do we always choose the higher dollar? For example, when a member in this case left the Progressive Conservative caucus, the funding level was \$80,000 or something. Then when you go over and sit as an independent member, that number suddenly goes up dramatically. Now we're talking about moving over to another caucus, which is a conscious decision of that particular member to do. We want to have our cake and eat it, too.

I'm just very unclear in my own mind as to why we would add yet another level of complexity to this entire discussion. I'm not sure I understand why we would be entertaining it at this time. I think we already have a process in place to deal with it, and I think we should let it unfold as it should.

Mr. VanderBurg: Along the same lines as the previous speaker, Mr. Chairman, can you recall how much the PC caucus lost and how much the Wildrose caucus gained when Mr. Anderson and Mrs. Forsyth left the PC caucus?

The Chair: Well, it's based on 12 months, so it would have been 3 point some-odd months out of 12. It probably wouldn't have been that significant: \$30,000, \$40,000, \$50,000 lost one way or the other because of the amount of the per average for the Conservative caucus.

Mr. VanderBurg: Thirty thousand.

The Chair: Approximately.

Mr. VanderBurg: About the same amount that we're talking about here.

The Chair: Here we'd be talking about five-twelfths of \$96,296. Sorry. Your question?

Mr. VanderBurg: You've answered it.

The Chair: Any others?

Mr. Anderson, to conclude if you wish.

Mr. Anderson: I just would hope that the members will see that this is something that I think is a good proposal with regard to our staff. It would mean a lot to our research staff having that research budget from Guy that he has now. Keeping those members on staff will allow us and will allow Guy to do the job for the people of Fort McMurray and for the people of Alberta that want us to effectively be an opposition party. I hope people will just look at the basic fairness of it and vote for it.

The Chair: Would all hon. members in favour of the motion put forward by Mr. Anderson please raise an arm? Those opposed, please raise an arm. Defeated, 7 to 2.

Okay. The date of the next meeting. I indicated earlier that, as I recall, the standing orders say that we're coming in on October 25 and rising on the first Thursday in December. The week following that first Thursday in December: earlier in that week I'll try and set a date for a Member's Services Committee meeting.

The principal purpose of the meeting at that time would be to deal with, quote, the budget. We have a motion that will stay in the files, the one that Mr. Anderson proposed. It was deferred; it will stay in the file. Ideas that members might have, recognizing we've agreed to this freeze – who knows what will happen? Some things may happen between now and then, but in the moment we'll be basically going with a kind of hold-your-own budget. If members have some innovative ideas, send them along. In the meantime that would be fine, and we'd look at a date at the end of the first week of December. Appropriate? Okay?

Can I have a motion to adjourn? Mr. Campbell. Everybody agreed?

Hon. Members: Agreed.

The Chair: Thank you.

[The committee adjourned at 12:50 p.m.]

