

Legislative Assembly of Alberta The 27th Legislature 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) Dallas, Cal, Red Deer-South (PC)* Elniski, Doug, Edmonton-Calder (PC) Hehr, Kent, Calgary-Buffalo (AL) Leskiw, Genia, Bonnyville-Cold Lake (PC) Mason, Brian, Edmonton-Highlands-Norwood (ND) Oberle, Hon. Frank, Peace River (PC) Pastoor, Bridget Brennan, Lethbridge-East (AL) Rogers, George, Leduc-Beaumont-Devon (PC) VanderBurg, George, Whitecourt-Ste. Anne (PC) Weadick, Greg, Lethbridge-West (PC) Xiao, David H., Edmonton-McClung (PC)**

* substitution for Greg Weadick

** substitution for Frank Oberle

Also in Attendance

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

Support Staff

W.J. David McNeil	Clerk
Allison Quast	Special Assistant to the Clerk
Bev Alenius	Executive Assistant to the Chair
Brian G. Hodgson	Sergeant-at-Arms
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Shannon Dean	Senior Parliamentary Counsel/
	Director of House Services
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 Alberta Hansard

11:30 a.m.

Thursday, February 17, 2011

[Mr. Kowalski in the chair]

The Chair: Ladies and gentlemen, I do believe it's now 11:30 a.m. on February 17, 2011. This meeting has been designated for this date for some period of time now, and all notifications, appropriately, have been given and done. We certainly do have a quorum present for us.

I have been advised. I received two letters in writing under Standing Order 56(2.1) and (2.4). Basically, you need to advise the chair or the Clerk at least 24 hours in advance who the substitute might be if a member is not attending. We have received such notification from the Hon. Frank Oberle, and Mr. David Xiao will substitute for him. We have received information now from the Hon. Greg Weadick that Mr. Cal Dallas will be substituting for him. We've received no other notifications. Mr. Kent Hehr has joined us via teleconference.

Kent, are you there?

Mr. Hehr: Yes, I am. Thank you, Mr. Chair.

The Chair: Very good. Is it nice and hot where you're at?

Mr. Hehr: Oh, yes, it is. It's minus 20.

The Chair: Minus 20. Perfect. Okay. You're with us, then.

We have been advised that Ms Bridget Pastoor would not be attending today, nor would she be joining us via teleconference, nor have we been advised of a substitute.

We have quorum. I will call the meeting to order. The first item that we have on our agenda is the approval of the agenda, and the agenda has been circulated for several weeks now. Mr. Rogers, do you want to add something, or do you want to move?

Mr. Rogers: No. I move the agenda.

The Chair: Is there anyone who wants to agree to that? The agenda is as we have the agenda.

Point 3, approval of the minutes of December 8, 2010. The minutes are in your binder. I'd like you to quickly take a look at them. I have one correction that has to be made in them, but we'll open it to members first.

There is one item that would have to be redrafted, and that is on page 20.10, minute 10.85, where it says, "The Chair advised that he would also bring a proposal to the next meeting." That is not exactly grammatically correct. What the chair indicated on the *Hansard* of that particular day – this is dealing with reference to Mr. Anderson's motion and an amount of money. I said that "the Clerk and I will do our own private investigation to see if we can find \$98,000 in the event that you fail, but we would not accept your failure to be a good thing." That does not equate to "The Chair advised that he would also bring a proposal." He said he would certainly review it. So we'll just change the words to basically say that he would review an alternative. He has, and he will deal with it at the appropriate time.

Are there additional comments that individuals would like to make with respect to the minutes of December 8, 2010?

There being none, then I would ask for the approval of the minutes. Mr. Campbell. All agreed? Anybody opposed? Okay.

Old business. Actually, one item here has been identified and two others that, time permitting, I'll just advise you about. The major item was old business, a motion on notice from December 8, 2010, meeting, Mr. Anderson. Since that meeting there has been a bit of correspondence. First of all, Allison, does everybody have a copy of the motion that we're dealing with? Please circulate it so that you have it in your book.

In addition to that, you should have in your files a copy of a memo from Dr. David McNeil, Clerk, to all members of the Members' Services Committee dated January 6, 2011. That should be in your file. Whether or not it has been duplicated for you for today is secondary. You have it as well? Okay.

In essence, from the *Hansard* of December 8, 2010, there is on page MS-128 a quotation from the chair. We're again referencing Mr. Anderson's motion.

If you want to table it, table it, and then we'll have another meeting in the first week of February. In the meantime, Mr. Anderson, you talk to your colleagues, including the government caucus, the opposition caucus, and the independents, to see if you can find the 98,000 bucks among yourselves. The Clerk and I will do our own private investigation to see if we can find \$98,000 in the event that you fail, but we would not accept your failure to be a good thing.

The motion that we have that was just circulated basically says: Moved by Mr. Anderson that the Wildrose Alliance Oppo-

sition Services 2011-2012 budget estimate be increased from \$463,000 to \$561,000.

Discussion followed, with several Members speaking in support of Mr. Anderson's motion.

Agreement was reached for Mr. Anderson's motion to be tabled until the next meeting to give Mr. Anderson an opportunity to discuss with the other caucuses and Independent Members as to where additional funds could be found in the approved 2011-2012 Legislative Assembly budget estimates to cover an approximate \$98,000 increase to the Wildrose Alliance Opposition Services budget which would bring it to the same level as the ND Caucus budget.

I indicated further that on January 6, 2011, the Clerk had sent a memo, and I have received correspondence in the meantime.

I'm advised now that Mr. Anderson has also joined us via teleconference. Is this correct?

Rob, where are you?

Mr. Anderson: Right here.

The Chair: Minus 20 degree temperature, too?

Mr. Anderson: You betcha.

The Chair: Okay. We have everyone here. In addition, we have Mr. Taylor here. We have Mr. Hinman here and Mr. Boutilier here. So we've got a full house this morning.

Mr. Anderson, I'll give you the floor with respect to this motion. It has been moved, as I recall. Do you want to add anything further to it?

Mr. Anderson: No. There's nothing further to it although I wanted to just briefly say, just to review – and you did a very good job of reviewing the situation – that we proposed back in December, of course, a motion that we would establish a rule ensuring that every officially recognized opposition party would be fairly funded. Obviously, we've had some disagreement on this committee on what that entails. We thought that we should receive funding, the leader's allowance, as you know, and there's been some back and forth on what that should entail, whether a caucus should receive it if their leader is not elected in the Legislature. Of course, there have been some votes and motions back and forth on that.

We do understand some of the committee's – although we don't agree with the decisions that have been made in the past, you know, we obviously respect the fact that the committee has ruled

on those motions in the past, so there's no point in bringing them back up again.

What we settled on in the last meeting – I thought we had a very constructive meeting – is that I would put a motion forward asking for 98,000 of additional funding, which you pointed out, which would bring our total caucus funding to the same level as the NDP caucus, which is, I believe you said, 561,000 if I'm not mistaken. Anyway, that's the basis of the motion.

I did try to set up a meeting of House leaders. That didn't work out. Some of the House leaders didn't think that that was going to work, or they didn't think it was right to talk about that. For whatever reason, they didn't want to set up a meeting in that regard. Maybe they wanted to speak here and discuss it here instead. I don't know.

I guess, Mr. Speaker, we're asking, because the House leaders couldn't come to an arrangement that we could find that \$98,000, which is about the amount an independent would get if they were to become an independent and lead their party, if we could find that money in your budget, which we know would be a sacrifice, you know, for the Legislative Assembly Office. We understand that, but we hope that in the interest of fairness and democracy we can move this motion forward.

The Chair: Who else would like to participate?

Mr. Campbell: Well, Mr. Chair, I'll make the motion that we split the difference of the \$98,000 among the two opposition parties and ourselves to bring the Wildrose funding up to the \$98,000 they're looking for.

So we'd be looking at \$32,800 and change coming out of the PC caucus budget, the Liberal caucus budget, and the ND caucus budget and that money being dedicated to the Wildrose budget.

11:40

The Chair: I guess that would be an amendment to the motion.

Mr. Campbell: Yes, sir.

The Chair: On the amendment, Mr. Mason.

Mr. Mason: Well, let's sort of deal with this issue. We're certainly not prepared to see our budget cut in order to provide additional money for the Wildrose, and I think this motion is completely inappropriate. The budgets have been set already by the committee, and I would submit that any changes to our budget would require at least notice in advance to the caucuses. We've already made plans and hired staff on an ongoing basis on the understanding that in the next year our budget has been already determined, so I find this motion completely unacceptable from that point of view.

The second point I'd like to make, Mr. Speaker, is that in such a large budget as the LAO has, there must needs be contingency funds set aside in the event, for example, that we have new independent MLAs. Obviously, the budget is designed in a prudent fashion so that there are funds available for contingencies and changes in the seating arrangements and the caucus sizes in the Legislative Assembly. I would be frankly taken aback if there were not funds available within the budget to accommodate this sort of thing.

I have to say, Mr. Chairman, that I'm getting very tired of the game playing on this issue. I think that it's a matter of \$98,000 just to bring a four-member caucus up to the level of a twomember caucus, and I think that that is, you know, quite reasonable, but I'm getting quite fed up with the nonsense that is coming from some members of the committee around this question. Clearly, there is money if the government caucus wants to make it available, but we are certainly not prepared to accept this motion. I would ask, Mr. Chairman, that this motion be ruled out of order since no notice has been made, and clear decisions have been made on our part with respect to staffing based on a decision that should be final by this committee in terms of the budget.

Mr. Hehr: Could I be added to the list, too?

The Chair: Okay. I'll add you to the list. Mr. Taylor.

Mr. Taylor: I have to speak in support of Mr. Mason on this one.

Mr. Mason: I actually made a point of order, though, Mr. Chairman.

The Chair: You did?

Mr. Mason: Yes, I made a point of order. I asked that this be ruled out of order since no notice was provided and it effects materially the functioning of our caucus and the staff that we've employed.

The Chair: I have no difficulty dealing with that.

I will draw your attention, Mr. Mason, then, to *Hansard* MS-128, December 8, 2010, when I said, as chair, in reference to the motion at hand for the \$98,000:

If you want to table it, table it, and then we'll have another meeting in the first week of February. In the meantime, Mr. Anderson, you talk to your colleagues, including the government caucus, the opposition caucus, and the independents, to see if you can find the 98,000 bucks among yourselves.

So, clearly, this matter was raised on December 8, 2010, with respect to notice.

Secondly, the Clerk sent a letter to all members of the committee on January 6, 2011, and he basically said:

There were two possible funding sources identified in the discussion.

This is in reference to the meeting.

One was to have each caucus and the independent Members contribute funds from their committee research budgets based on their proportion of private Members to the total number to make up the amount necessary to bring the total WRA caucus budget to the same level as that of the ND caucus.

Not only that, there was a graph that would point out that if there was to be a prorationing of this to arrive at this number, the Clerk identified that the reallocation to accommodate the increase because of the rounding and everything else would be \$101,950, of which \$73,825 would come from the government members' allocation, \$14,062 from the Official Opposition, \$7,031 from the WRA. The NDs would contribute \$3,516, and the independents, being two of them, would each contribute \$1,758. The \$73,825 would be against the budget of the government caucus, which was \$770,000. The \$14,062 from the Official Opposition would be against the \$385,182. The WRA would be \$7,000 from \$294,000. The ND would be \$3,516 from \$192,591, and the \$1,758 would come from the two independent budgets of \$96,296.

Mr. Mason: Is that the motion, Mr. Speaker, that was just made?

The Chair: No. I haven't made any motion.

Mr. Mason: No. The amendment that Mr. Campbell made: is that what he made? Is that the motion he made, that it be pro-rated based on the number of members?

The Chair: Sorry, Mr. Campbell. I'll go back to you for what the motion is. We're on an amendment to the motion. We have a motion, Mr. Anderson's, but we're not talking about that right now. We're talking about an amendment. Repeat it, Mr. Campbell, for clarity.

Mr. Campbell: Mr. Chair, I had suggested that each of the caucuses – the Progressive Conservative caucus, the Liberal caucus, and the ND caucus – split the \$98,000 three ways to bring the Wildrose caucus up to the funding that they requested in Mr. Anderson's original motion.

The Chair: But that would include the independents. Let's be very clear about this. You're only talking about caucuses or all the allocations?

Mr. Campbell: I was just talking about the caucuses, but I'd be prepared to entertain the independents also.

The Chair: Does that help for clarification, Mr. Mason?

Mr. Mason: Yeah. It's clearer to me that it was not pro-rated as the discussion ended at the last meeting. His motion will take just as much from us as it will from the Progressive Conservative caucus. That's absurd.

The Chair: I'm sorry. What do you mean: take just as much from you?

Mr. Mason: His amendment.

Mr. Campbell: My amendment would take the same from the three caucuses equally to come up to the \$98,000 that the Wildrose has requested.

The Chair: That is different than what I've just explained on the basis of what the hope and the intent was of the chair going back to December 8.

Mr. Mason: I would submit that there is no notice of that. That's a substantial change to our budget after the budget has already been approved. I would ask the chair to rule that out of order.

The Chair: Well, we have on occasion in the past arrived at these meetings when the request has always been made to basically say that in terms of full transparency members share at least their anticipation of what they do, but I know darn well, having chaired these meetings for a great period of time, that members do arrive without notice. Mr. Mason, I'm not going to rule it out of order. We're going to continue with the discussion, the debate, and the resolution of it.

Do you want to participate on the amendment? Mr. Taylor was first and then Mr. Boutilier on the amendment.

Mr. Taylor: Thank you, Mr. Chair. I do want to speak in support of Mr. Mason on this. The amendment clearly says that the PC, Liberal, and New Democrat caucuses would give up equal portions, one-third each, of the total amount of \$98,000 to come up with \$98,000. I just don't see any way in which that can be deemed to be fair and equitable to anyone except perhaps the PC caucus, who gets away with giving up, I think, somewhat less than is proposed in this pro-rated formula that we were dealing with before the amendment to the motion.

Now, it would let Dr. Sherman and myself off the hook, apparently, in that we're not included in any one of the three caucuses mentioned in Mr. Campbell's amendment, but I think it misses the point. What this was trying to do in the original motion was come up with some sort of pro-rated and therefore allegedly reasonably fair way of finding the money to bring the Wildrose caucus budget up to the level of the New Democrat caucus budget.

I find it interesting that we still don't have – in the Clerk's letter we were told that there were two possible funding sources. One was the pro-rated model from the various caucuses and independent members given here. We still don't have any indication of what the other funding source, to find that amount within the LAO budget, might be. We have no specifics there.

11:50

I personally would like to see what might be possible under that option before we vote on this one way or the other. But I cannot support the amendment to the motion because that just takes something that I think was a little bit problematic to begin with and makes it very, very problematic for the two largest opposition caucuses by budget right now.

The Chair: Well, just to answer the latter question you have, when I indicated on December 8 that the Clerk and I will do our own private investigation to see if we can find \$98,000 in the event that you fail – we would not accept your failure to be a good thing – what I'm basically saying is: "Look, we dealt with the budget. We've got a bottom line on it, and we're not going to add anything more to the budget." So we would go and we would find some funds. We've done that. We've done that. But it doesn't come back from the fact that nobody wants to co-operate on the first part. That's my own biased statement. I can do that. I can find \$98,000, but you can't come back to me later and say: oh, well.

Mr. Campbell: Mr. Chair, one of the concerns I have with this whole process is that we now have a new party in the province, and one of our independents has joined the Alberta Party.

Mr. Boutilier: Is there a speakers list, Mr. Chair?

The Chair: Yes, there is, but he wanted clarification, and he's a member of the committee.

Mr. Campbell: My concern is this. Again, I have no basis to say this, but if Mr. Taylor was to decide to run for the leadership of the Alberta Party and be successful, are we going to be back in front of this committee, where Mr. Taylor is going to say: I want the same funding as the NDs? The reason I say that is that Mr. Taylor can be only one member. The NDs are only two members. Under the rules of the House the NDs are not an official party based on the fact that they only have two seats but have been, through their funding, said to be an official party. Are we going to be back in the same position come May 28 or June 1 with Mr. Taylor saying: "I am now the leader of the party. I want the same funding as the NDs"? If that's the case, where are we going to come up with the half million dollars to make that decision after the budgets have already been passed?

The Chair: I'm going to recognize Mr. Boutilier, and then I'm going to go and recognize Mr. Taylor.

Mr. Boutilier: Thank you, Mr. Speaker, and Happy New Year to everyone. Just keeping with the tone, I actually have two questions. One would be to Mr. Campbell, and the other would be to the chair. First of all, under the spirit of goodwill that you mentioned at the last Members' Services Committee, I think there was a real sense of goodwill, and I thank everyone in all parties for that goodwill, including the independents, as an official party, the Wildrose. My question to Mr. Campbell is this. In fact, did he

brief the other parties, the New Democrats, in advance of his motion this morning, just in keeping with the spirit of goodwill?

Mr. Campbell: No, I did not.

Mr. Boutilier: My second question, Mr. Speaker, is to you, and that is quite simply: in light of the spirit that seems to be a slight bit tarnished this morning based on what is happening here, do you in fact have the wherewithal to be able to find the \$98,000 within the Legislative Assembly budget?

The Chair: I've said yes already.

Mr. Boutilier: Oh, great.

The Chair: But that doesn't solve anything. It just passes it on to somebody else to solve the problem among yourselves, but if that's the conclusion, that's the conclusion.

Mr. Boutilier: Thank you, Mr. Chair.

The Chair: Mr. Taylor.

Mr. Taylor: Thank you, Mr. Chair. Just to get on the record in response to Mr. Campbell's last comments or questions, I think, Mr. Chair, that if you were in your role as Speaker in the House and someone were to try a question like that of a cabinet minister in question period, you would rule it hypothetical and probably, if not rule it out of order, at least say that the cabinet minister did not have to answer the question. I think that the scenario that Mr. Campbell has raised is extremely hypothetical. I think it takes away from the point of the discussion, and I'd ask us to get back on the discussion.

The Chair: We are on the amendment.

Mr. Anderson: Can I get on the list, Mr. Speaker?

The Chair: Yeah. It's your motion. Sometimes when you're the last speaker on a motion, it's viewed by some that you're concluding the debate. Just rethink that.

Mr. Mason, go ahead.

Mr. Mason: Mr. Speaker, could you tell us where the money that you found in your budget came from?

The Chair: Well, the easiest way for us to deal with this on the budget that we have: we would look at the special funding requirement. We received permission for \$258,000 under the federal building redevelopment project. We're continuing to move very, very well in that regard, and we would just simply reduce the amount that we would put into that one by the amount that would be approved by this committee if the committee approved it. That's where it would come from. Or from travel or half a dozen other sources, depending. It would not be coming out of caucuses, nor would it be coming out of constituency office allocations or stuff like that.

Mr. Mason: I appreciate that. I think, frankly, that we've been put now in an awkward position. Before we had the information that there was money available in the budget and that the Speaker and the Clerk had identified sources for that, a motion was made. I think that it was not made with all of the information that's available to us. I think we can resolve this question. I really have to say to hon. members on this committee that it's just not right to cut a caucus budget to solve a political problem after that budget has been approved and decisions have been made by the caucus on the basis of that approval. It's just not a right thing to do. To do that in the face of what the Speaker has told us, that there is money available in the budget to solve this problem . . .

The Chair: Okay. Don't put words in my mouth, Mr. Mason. I said: if required, we would be prepared to do it. You're letting it be assumed that there are just these dollars that fall out of the heavens and that I can do anything I want willy-nilly despite the fact that the various caucuses don't want to co-operate with one another. I'm asking you to co-operate with one another, and I'll find the money if I have to because I do things like that, but it's not because it's just there.

Mr. Mason: I never said that. Don't put words in my mouth, Mr. Speaker.

The Chair: Well, okay, Mr. Mason. Stick to the point and forget about the politics of the game.

Mr. Mason: I'm trying to make the point that you have told us that you have identified these funds, right?

The Chair: I've been totally transparent, which obviously is something more than others are.

Mr. Mason: Well, okay. I'm not going to get drawn into a debate with the person who is supposed to be chairing this meeting in a neutral fashion.

The Chair: I'm sorry. Go ahead on the amendment, please.

Mr. Mason: Thank you very much, Mr. Speaker. I don't think it's appropriate, since money has been identified in a very large budget to satisfy this requirement, to make a motion that's going to cut the budget of caucuses that has already been set. You know, it's just wrong, and I just hope that hon. members will acknowledge that there is an alternative here that is much more equitable.

Mr. Hehr: Mr. Chair, can I go on the list, too?

The Chair: Absolutely.

Okay. Mr. Anderson first, and we'll waive this thing about closing the debate on it. Mr. Anderson, then Mr. Hehr, then Mr. Rogers, and I believe I saw Mr. Campbell.

Mr. Anderson: Okay. First of all, I'd like to just remind everyone that there was a pretty good spirit of co-operation in the last meeting, and we did seem to come to somewhat of a - I thought it was a pretty good understanding of how to proceed.

One of the things. As the chair pointed out, we were to try to meet as opposition parties and independents and a representative from the government side on this committee, and I did in good faith attempt to do that. My invitation to that was declined by the government side, and that's fair enough. I don't want to turn this into some kind of accusation or anything. It's just that that was the decision that was made. We did in good faith try to meet with the hopes that we could maybe come to some kind of arrangement, but for whatever reasons that didn't work out, and that's fine. That's the government side's prerogative, so we're back here today.

12:00

The second thing the Speaker pointed out, though, as an option was that he would, as you have, Mr. Speaker, go in and look at a place, try to find that money, that top-up money of \$98,000 to where the NDPs are, that you would look at your budget, which you did in good faith. You did it, and I'm sure that these – you know, budgets

are tight right now, so it's not like that was an easy thing for you to do, but I appreciate that you did that with the Clerk.

That money has been identified. We have acted in good faith, as has the NDP, as have the other opposition parties. I think that it just makes – at this point if we could, you know, continue on in the good faith that was arrived at at the last discussion and adopt the original motion, which was to increase the Wildrose budget by \$98,000, taken from the place in the budget that the Speaker has identified, I think that we can move on. You certainly have the Wildrose Alliance caucus's word that until the next election, whenever that is – and things obviously will change seatingwise after the next election; however it is, there'll be changes – we will not be bringing forward any more motions regarding our caucus funding or anything related to that.

I can't speak for the Alberta Party, Mr. Campbell. But, you know, as House leader for the Wildrose I can speak for us in saying that we will not be bringing any more funding motions before the next election. Obviously, if for some reason our leader was elected in a by-election, the Speaker would have to make a ruling on how things would work, but I don't see that happening because there probably won't be a by-election. Of course, we can talk about all these different possibilities, but the point is that the Wildrose caucus will be satisfied. We've asked for more in the past. We think that would've been fair. But, as with anything, there has to be consensus.

There's been a good conversation. I think last meeting we arrived at a pretty good consensus, and the Speaker has made that possible. So in the interests of co-operation and keeping that good spirit, I hope that we can just agree to the original increase of \$98,000 from the funds that the Speaker has identified, which, I might add, Mr. Campbell wasn't aware of prior to the Speaker telling us that. Had Mr. Campbell been aware of that, maybe he would've felt differently. I don't know. I'm not going to stick words in his mouth. But I hope we can move ahead and move on to more important things.

The Chair: Okay. Thank you.

We're still on the amendment. Mr. Hehr, Mr. Rogers, and Mr. Campbell.

Mr. Hehr: Yeah. On the amendment I agree with the sentiments of Mr. Mason entirely. I think it would be inequitable to take money away from caucus budgets that have already been set and established and we've made decisions on. Further, not to belabour the point but opposition – it takes money to put up a good fight and to do the things on behalf of the Alberta citizens that require researchers, that require a communications staff and the like.

I want to point out that, essentially, this mess has come out – the government has hoisted itself on its own petard with this precedent-setting agreement with the New Democrats many years ago. Now we find ourselves in this series where we have a lot of flux going on in Alberta politics. I don't know. We could have more parties arriving, and we could be back here, you know, a month from now, and that's neither here nor there.

I also agree with Mr. Anderson's suggestion that if other monies have been identified and we can go forward in that fashion, I think that is a fair proposal and that this amendment will go by the wayside and we can actually look at it from a more practical standpoint as identified by the Speaker.

The Chair: Mr. Rogers, then Mr. Campbell.

Mr. Rogers: Well, thank you, Mr. Chairman. I just want to take a moment and go back to your comment again, without trying to put

words in your mouth, something to the effect that, obviously, this money, the \$98,000 you've identified, will not fall from the sky. You've identified that it would be from the funds set aside to prep, what have you, the federal building, so I'm assuming that will impact that program. Can you enlighten me on that?

The Chair: Well, we're prepared to continue with the progress on the federal building to meet all the challenges and all the targets there are. We have committed in the fiscal year to do a certain amount of things along with Infrastructure, and what would happen if I had to reduce that commitment take: we would either have to delay it to the following year, or the Clerk and I would have to go and talk to officials in Infrastructure to see if they could free up some money to make the same target.

But I'm not going to belabour the point. I'm not going to say that this is an impossible situation. We were asked to do something, I agreed to do it, and I did it. So if the harm or the pain or anything else falls upon me, don't worry about it. Don't worry about it at all.

Mr. Rogers: Thank you.

Mr. Campbell: Well, Mr. Chair, I'm prepared to rescind my motion. I'm prepared to go with the pro-rating, but there are some things I want on the record first. I think it's important that people in this province understand the following. When we look at the 2011-2012 estimates of the budgets, the NDs are going to receive \$280,500 for each elected member. The Liberals will receive about \$183,000 and change. The Wildrose will receive \$115,000. The independents receive \$164,000. The government caucus receives \$53,761 per member. So, you know, when we talk about fiscal restraint – and everybody talks about that we want to be good about our money – the fact of the matter is that what I've heard today is that people think we're just going to take this money out of somebody else's budget and make it work.

Mr. Speaker, I'm not prepared to take the \$98,000 out of your budget. I understand what you're doing, and I understand what's being done with the federal building. I am prepared, from the government caucus point of view, to live with the pro-rating and move on with this, but like I say, I think it's important that people understand that we do have some concerns about the inequities of the funding. What was done in the past might have been fine, but as we move forward and we have more parties coming into the Assembly, I think we have to take a very prudent look at how we fund opposition parties in this province.

I'm prepared to rescind my motion, and on behalf of the government caucus I'll move the motion that we go with the prorating as established in the meeting of December 8, I believe it was, where we did a pro-rating of all the independents, the three opposition parties, and the PC government caucus.

The Chair: Okay. First of all, the amendment has been rescinded, so it no longer exists. Now we're back to the original motion that Mr. Anderson had before. Mr. Campbell, you added something in your discussion there a minute ago that I think we have to just clarify from a management, procedural point of view. Mr. Anderson's motion, if I understand the motion, is "to discuss with the other caucuses and Independent Members as to where additional funds could be found in the approved 2011-2012 Legislative Assembly budget estimates to cover an approximate \$98,000 increase." It says: the discussion to be on a pro-rated basis. But there's nothing in there to be on a pro-rated basis. I want to make sure that we're on a clear basis with the person who moved the motion. Mr. Anderson, is that your understanding?

Mr. Anderson: My motion is just to simply raise the amount allocated for the Wildrose caucus by \$98,000, and that's based on the premise that you would find that money somewhere else in the budget but not from the other caucuses. That was the whole point of the motion.

The Chair: Okay. We're very clear on what the intent of that motion was, that presumably the LAO would pay for it.

Mr. Anderson: Correct.

The Chair: That's the motion in front of us. Now, Mr. Campbell, you added what I guess would be an amendment to that.

Mr. Campbell: Yes, that we do a pro-rating of the caucuses, where the PC caucus would end up providing the largest amount, of about \$73,825. The Official Opposition, the Liberal Party, would be looking at \$14,062. The opposition NDs would be looking at \$3,516. The independents would each give up \$1,758. That would get us to the \$98,000 that would bring the Wildrose up to the funding they're asking for.

The Chair: Okay. Is everybody clear on the understanding of this? We now have an amendment which basically says that the dollars in question could be allocated on a pro-rated basis, and I presume that would be the formula that was outlined in the Clerk's letter of January 6, 2011. That's the amendment we're talking about now. The pro-rated item is the major item that we're talking about in this particular amendment.

Mr. VanderBurg and Mr. Mason. Who else caught my eye?

12:10

Mr. VanderBurg: Well, Mr. Chair, I agree with increasing the Alliance budget by the \$98,000 requested, and I also agree with the process that Mr. Campbell has come up with, that every caucus pay a small portion. But before I'm willing to support that, I do want to hear whether there is support or not from the other parties - I'm not getting the body language I need to support the motion - because unless there's co-operation amongst all of us, I'm not prepared to go there. Quite frankly, I talked about this last meeting, the \$98,000, that I would support increasing their budget, but there'd have to be some consensus. So I'd like to hear from the other parties, whether everybody is in agreement that the PC caucus pay the lion's share and the others all pay a small portion. Before I vote on it, I'd like an indication. What I'm ultimately saying is that I don't want to outvote the opposition to give them an increase. I want to vote in co-operation, and I'd like some indication ahead of time.

The Chair: Mr. Mason and Mr. Taylor.

Mr. Mason: Thank you very much, Mr. Chairman. Well, from our perspective the principle of cutting budgets after they've been set is a difficult problem as far as we're concerned, and there are lots of reasons.

I appreciate what Mr. Campbell has done. It's obviously considerably more manageable for our caucus than the previous amendment that was put forward, and it would mean we wouldn't have to lay off people we've hired – right? – which is the big problem, you know, from my point of view, in doing this. I think we can live with this. It goes against my grain to do this because I know that there must be contingencies in a budget as large as that of the LAO because, obviously, if somebody else went to sit as an independent, they would have to find the money to fund the independent. So I believe it can be done, and without putting words into the Speaker's mouth, I think he's indicated that he has done what he was asked to do.

I certainly think this is preferable, and I think that our caucus can live with it, Mr. VanderBurg, if that is enough co-operation for you. I hope it is.

Mr. Hehr: Can I be added to the list?

The Chair: Absolutely. That's Mr. Hehr, right?

Mr. Hehr: Yeah.

The Chair: Okay. Mr. Taylor first.

Mr. Taylor: Thank you, Mr. Speaker. I do not have a vote at this committee. If I did, however, I would be prepared to support this amendment to the motion.

Mr. Hehr: To be honest, I hear the sentiments that this is a much better solution than the one first proposed here. That said, we the Official Opposition have certain expenditures to keep up and a certain role to play. In my view, this budget has been set. We have things to go about, business to go about doing. I'm not really comfortable saying I'm going to support this motion.

Really, this process now is a complete mess. I think we acknowledge that, and we're doing an ad hoc basis here at best today to accommodate something that could change now in another three months, four months, or whenever the heck. I don't mean to speculate, but the process here is completely willy-nilly. We're making a decision here for, at best, the short term, and it's based on a precedence that the government has made, which maybe served their interests at the time and no longer serves their interests, that allowed for these erratic funding formulas. In my view, I believe Mr. Mason is correct that there should be some mechanism in the budget to sort of do things to allow for changes in the democratic system that have evolved.

So at this point in time I think I look like, shall we say, the guy digging in his heels. But from my perspective this is at best a patchwork solution we're putting forward, and at this time I still don't feel that it is the best solution to our problems.

The Chair: Kent, thank you very much. Don't be dismayed about the ad hoc, willy-nilly thing. This actually goes back to 1987, when the Representative Party was here. I think that's probably before you were born. These matters stay with us for a long time. So don't be overcome by the fact that this may be the first experience for you. People around the table have been through it many, many, many times before.

Mr. Hinman.

Mr. Hinman: Thank you, Mr. Chair, and thank you, Member, for having the concern that you don't want to just have a majority vote from your party. In asking that, I would love to see that sentiment carry over to many other committees. I appreciate that.

I guess the point that I would like to bring up - and, again, I feel like breaking those budgets. I understand fiscal restraint, I feel, as good as anybody, but when our last member joined us as an independent, he lost that funding. It was available, and then all of a sudden it vaporized, and now we're saying that it's not available. I just think that rather than punishing other caucuses in this way that we're proposing, there is the money in there. It just needs to be reallocated. If another member was kicked out of the government's caucus, the money would be found again for an independent.

I think that, you know, the hon. Member for Fort McMurray-Wood Buffalo lost \$97,000 to join our caucus. He felt that it was in the best interest to join the caucus. Where did that money go? I think that it could come back again. Like I say, if another independent came out, we'd be in that boat, and it would be found.

I appreciate the chair's position of saying: well, the LAO doesn't just grow on trees. I know that, but it was there. It's gone. It could come back. I think that that's a more amiable way of solving this dilemma.

The Chair: We have an amendment before us.

Mr. VanderBurg: Well, to Mr. Hinman's point, I mean, a great speech and everything that you just had, but I asked for some clarification. I got a very clear indication from Mr. Mason that he would be supportive of the motion. The independent, even though he doesn't vote, is co-operative. The Liberals are non co-operative. I would like to know whether you would like a raise or not and whether you support this proposal.

The Chair: Well, Mr. Hinman will not be voting in this committee because he's not a member of this committee.

Mr. VanderBurg: I didn't ask for his vote; I asked for what he felt.

Mr. Anderson: Can I get on the list, Mr. Speaker?

The Chair: Well, sure. If nobody wants to deal with the issue itself, we're just going to do a lot of talking.

Go ahead, Mr. Hinman, then Mr. Anderson.

Mr. Hinman: If this is the most amiable that we can do it, then I will support it. I just think that there is a better way, the way that we've funded in the past. But if that's the will of this committee, everybody taking a little bit of pain, I understand that.

The Chair: Okay. Mr. Anderson, then Mr. Rogers.

Mr. Anderson: As Mr. Hinman said, I do obviously prefer my original motion. I think that would be the most fair to everybody. However, like we've talked about here, you know, we all, I guess, have to in a democracy think these things through and talk them out and hash them out, so if this is the solution that the government, the NDs, the representative from the Alberta Party can agree to - too bad we couldn't get the Liberal support to make it unanimous - from my perspective I'll be supporting this.

The Chair: Mr. Rogers.

Mr. Rogers: Well, thanks, Mr. Chairman. I really have to make a comment here. You know, where we're at right now is, I think, after a very arduous process a reasonable compromise put forward by a member of the PC caucus, a caucus that will be eating the lion's share of this change in order to provide legitimate support for the Wildrose caucus as it exists today.

We go back and forth talking about democracy and people moving back and forth, and I have to put this on the table. Frankly, if people stayed where they were elected or if they went back to their public – okay; maybe if someone is dropped from a caucus, that's another issue, but when people decide to move to another caucus without going back to the people that elected them, you know what? Maybe we should just leave this where it is. The budgets are set based on the way people come here, and nothing changes until the next time around. I mean, you know, we could go around and around on this. We've proposed a reasonable compromise here. Mr. Chairman, I hope we just vote and get on with it.

Thank you.

12:20

The Chair: That's my speaking list. The motion before the committee is a motion moved by Mr. Campbell. I'm not going to put words in his mouth, but the understanding is that an allocation -I think, hon. members, what we should look at is the allocation outlined in the Clerk's memo of January 6, 2011, because it shows all the numbers at the bottom of the page. In essence, it would be a prorated amount. It would be \$101,950.

The way the formulas work out is identified in the last several lines there. Because of an adjustment downward in one it would make the WRA and the NDP exactly the same. It would see the government caucus being a certain number, that would be reduced from what it currently is. Those would be the numbers we'd be talking about. Would that be the clear understanding of everyone? That's what it would be? Okay. There's no misunderstanding in this. You've got that.

I'm sorry, Rob, and I'm sorry, Kent, that you're not here to see those numbers, but you have the documents.

Mr. Hehr: Yeah. I have them in front of me.

The Chair: Okay. So the amended motion, then, from Mr. Campbell essentially is that

the dollars in question be allocated as per the intent of Mr. Anderson's motion and that it be done on a prorated basis effective April 1.

Does everybody agree that's the wording?

Hon. Members: Agreed.

The Chair: Okay. All those in favour, please say aye or somehow let me know that you're supportive.

Some Hon. Members: Aye.

The Chair: Anybody opposed?

Mr. Hehr: I oppose.

The Chair: So it's carried. This was Mr. Campbell's motion.

Okay. Now we've got Mr. Anderson's motion as amended. We all know what the intent is. All those in favour of Mr. Anderson's motion as amended, please say aye.

Some Hon. Members: Aye.

The Chair: Anybody opposed?

Mr. Hehr: Yes. I oppose.

The Chair: Okay. All right. That took 42 minutes. Don't ask a question, Mr. Mason. You won't get an answer. That will raise your blood pressure. But now you're smiling. Are you happy now?

Mr. Mason: It's all relative, Mr. Speaker. Relative to 20 minutes ago I'm ecstatic.

The Chair: Perfect. That's the concluding word. I'm ecstatic: Brian Mason.

Mr. Campbell: Mr. Chair, I just hope the NDs can hire the person that the PC caucus will have to lay off with the \$73,000 we're giving.

The Chair: I think this matter has been dealt with now if that's okay. So the matter has been dealt with, and I understand it's not coming back again in the fiscal year 2011-2012.

Hon. members, time permitting – we do have some time here now – there are two items I talked about at the last Members' Services meeting, and I would just like to share them with you again. They are in the *Hansard*; they're not necessarily in the minutes. There were two items.

One item that I talked about had to do with the situation developing with members that has happened on three occasions in the last three years. These members have experienced this. They come from different caucuses. We have this provision under the Legislative Assembly Act. It says:

34 Deductions shall be made from the indemnity allowance and the expense allowance of a Member at the rates prescribed by the Members' Services Committee for each day in excess of 10 sitting days during a session on which the Member did not either take the Member's seat in the Assembly or a meeting of a committee of the Assembly otherwise than by reason of

- (a) illness or injury,
- (b) bereavement, or
- (c) public or official business.

On at least three occasions members have basically had to exempt themselves from service in the Assembly for more than 10 days because of family illness, and on all three occasions I met with the members. We dealt with the situation. But, I guess, if one really wanted to be emphatic about the enforcement of, quote, the Legislative Assembly Act, there could be some really difficult decisions that have to be made for members.

I said that I would take a look at it, and I said that there are two ways of basically dealing with this. Allison, if you would pass that around. The number one way of dealing with it would be to open up the Legislative Assembly Act for one little item, to add one word in here. The second thing would be that we have some discretion given to the Speaker to basically deal with this on a basis of understanding.

So I have a proposal here for you basically saying that we could deal with this and solve the problem, if it ever were to become a problem, if we would take a look at an amendment order to the revised Members' Services Committee orders. This is not an amendment to the Legislative Assembly Act; this is an amendment to our members' orders wording. Under the members' allowances order – Mr. Clerk, if you would hold it up for everybody to take a look at it – section 2 would be amended by renumbering it as section 2(1) and by adding the following after subsection (1). Okay. That's very good, important legalese, but the subject of it is that "the Speaker shall be responsible for interpreting entitlements or deductions under subsection (1) subject to an appeal to the Members' Services Committee" by the member.

In other words, if there was some reason to provide some understanding because of the nature of the work we're in and I said, "Okay; fine," then we would advise everyone, the Auditor and everyone else, that this is the way we're dealing with this and provide full clarification for that. It could be circumstances we haven't even included yet, and if it's provided in a positive way, then it's dealt with. If, in fact, the Speaker or the Clerk basically said, "No, you can't do that," then that person would still have the right to appeal to this committee, which would be more provision than currently exists.

So that's a solution to that item which would really be helpful to us in the long term. I have no cases right now before me. We have no examples right now before us, but we do know the reality of the world.

Any thoughts on this from anyone?

Mr. Mason: Just how does this differ from current practice?

The Chair: Well, we've never ever penalized. But as an example – one of the rules is illness or injury, bereavement, or public or official business – if a member were to absent himself from the Legislative Assembly this spring to go do political campaigning either to seek the leadership of this party or that party or some other party and was never in the House, I would ask him to come in and say: "What gives you the right? The standing orders say that you must be in the House." We've had situations in the past – this is not a current caucus member, just going back in the past, nobody's current caucus or anything else – where we had this really delightful member, who had the personality to match everything, and he would come into the Assembly every day at 5:20 when we sat till 5:30, get his attendance, then was gone home. I thought that wasn't really very cricket. But he got his attendance in, so he had perfect attendance.

Mr. Mason: Would this allow you to deal with that situation?

The Chair: I'm dealing with the person who – basically, if your father or your mother was very, very ill and you had to be away for 14 days, had to be at their bedside for 14 days, we would technically have to deduct your absence for 14 days. So then the matter is: what formula do we use? Is it one two-hundredth of your total annual salary, or is it one three-hundred-sixty-fifth of your annual salary? Or is your annual salary based only on your sitting only 80 days a year, and if you were gone 14 days, it would be 14 points out of 80?

Mr. Mason: Yeah. I guess I'm asking if in practice today you do interpret the entitlements and deductions subject to an appeal to the committee.

The Chair: No. No. That would be new to be subject to an appeal to the committee. No. It stops at my desk.

Mr. Mason: Oh, it stops at your desk?

The Chair: Yeah. Absolutely.

Mr. Mason: It provides for an appeal to the committee. So that's what's changing.

The Chair: Well, also the fact that we would add that if the matter is not covered under the Legislative Assembly Act, there would be provision for some interpretation. Right now the interpretation is in the act. This would provide for a greater flexibility of interpretation.

12:30

Mr. Mason: Okay. Well, that's good. Then I'll support that.

The Chair: Mr. Rogers.

Mr. Rogers: Thanks, Mr. Chairman. This then, in fact, would allow you to use your discretion before sanctioning the member, based on some facts.

The Chair: Correct. And I want to make it very clear that we have no examples in front of us, no case in front of us at all. I'm just saying that from past experience – and I mentioned years ago, in fact, that we had to deal with this sometime – I just want to have the flexibility so that we don't have an unfortunate situation and, basically, the hammer comes down and says: well, you've lost this. It's for compassionate reasons. I mean, we're not allow-

Dr. McNeil: Not like the Senate.

The Chair: Well, I never said that.

Mr. Campbell: Mr. Speaker, I had a little pause and thought about this. Correct me if I'm wrong, but just so I understand, you're saying that if a Member of the Legislative Assembly misses 14 days, right now he's still getting paid.

The Chair: Yes. We have never had a situation where a member has missed 14 days. We've never had that. I'm just saying that there's a possibility.

Mr. Campbell: Okay. My concern is that outside of the Legislative Assembly, when you're working in the real world, so to speak, if your parents or your child or somebody gets ill and you take time off from work to be with one of your loved ones, the chances are that most Albertans aren't going to be paid for that. They're going to be taking time off work and, basically, taking the loss of pay to be with their loved ones. It's a decision they're all going to have to make, and I would suggest that most of them will make that decision.

I'm just a little concerned. I mean, there are union contracts and such, but the average Albertan out there who's working, works hard for their money. If one of their loved ones, unfortunately, is sick and they take time off for whatever the time is, they don't receive the pay for it. I'm just a little uneasy about us passing a motion that if we take 10 days off, we're going to get our full pay for it.

The Chair: No, no, no. There have to be reasons.

Mr. Campbell: Well, for bereavement. But I'm saying to you, Mr. Speaker, that if somebody is working as a heavy-duty mechanic, for example, and his dad gets sick and he takes 10 days off work, chances are he's not getting paid for it. So, you know, I'm just a little leery about doing this. I mean, I have no problem with people taking bereavement leave. I've negotiated some of the best labour contracts in the province; we get three days' bereavement leave. You can have more time off if you want, but that's on your own dime then. I'm just a little concerned. We only sit in the House very few days in the year, and to be paying somebody for not being on House duty concerns me a little bit.

The Chair: Okay. Fair game. This is not a hill for me. This is just a point of trying to clarify something that's existed. I can table it, and we can come back and look at it again, or we can deal with it. You can vote in favour; you can vote against it. It's not a major issue. It's a benefit for members maybe. Do you want to just have it deferred, or do you want to deal with it? Well, I'll just hold onto it again. Okay. Nothing changes.

The second item was one that I did talk about and I did point out. In the *Hansard*, MS-114, I indicated one of the things that – and this only happens once in, probably, four years in a cycle of four years. It has to do with the RRSP contributions in a fiscal year. Under our rules each member is eligible for an RRSP contribution of 50 per cent of the total amount in each fiscal year. About every four years we have this situation. Now, it may happen in a by-election in between, but every four years for sure there's a possibility that comes up.

When I went through the budget, I said that we did not put money into the budget for the latter quarter of 2011-2012 in the event that there would be an election. If, for example, an election was held on April 5 and you were running as a candidate, you would be eligible for an RRSP contribution prior to April 5 – that is, by March 31 – for the previous fiscal year because you're still an MLA. If you run, yes, you're still an MLA. If you don't run, you're still an MLA until April 5. If you get defeated, you're still an MLA until April 5, but under our rules because it was after April 1, you would be eligible for the RRSP contribution again. There is a potential of that happening. We have not budgeted for it because I said, basically, that I don't think that was the intent of anybody to have that done. So we don't have any dollars for it.

I said: "Fine. Look. Okay. I'm going to review this matter." You all said: yes, it should be reviewed. We've come up with a suggested proposal that the situation will be that you must be a sitting MLA for a minimum of three months in order to be eligible for that RRSP allocation. So if there was an election on April 5, for those of you who had been there from April 1 to April 4 and were defeated or did not run again, you would not be an MLA, so you couldn't be eligible for it. If you were elected on April 5, you would have to be there for at least three months before you'd be eligible for it. If there was a by-election and you were elected in a by-election on January 4, you couldn't get it in that fiscal year, but it would kick in after April 1, the new fiscal year.

The potential is that, in essence, in the wildest scheme of things, if there was an election on April 5, you could conceivably see all 87 members defeated, 87 new members, and if you didn't have this provision of three months or something similar to it, you would have 87 times \$11,000 times two. We didn't budget any of that because I never believed that that was the intent.

The proposal, basically, is that in order to deal with this – and this is just simply an internal administrative matter. It comes under the members' allowances. It's section 10. Section 10 is a little four-liner in this booklet, and it says:

RRSP Allowance

10 Once in a fiscal year, there shall be paid to every person who is a Member in that fiscal year, an allowance equal to one-half of the Registered Retirement Savings Plan... dollar limit for a calendar year as established pursuant to the Income Tax Act.

What would happen here is that in order to ensure that this couldn't happen, the double thing happening in a matter of five days of a new year, we would add one, two, three, four, five, six, seven, eight words,

and has served a minimum of 3 months,

after "who is a Member." That would solve that issue. That would solve that problem. I think it would be the better of the interpretations that we currently have in the unlikely event that certain things would happen.

Mr. Mason: I hate to raise this, but what would happen if the election was just a little bit later so that everybody had served three months in the year, and then they had an election and elected 87 new members?

The Chair: Okay. But when?

Mr. Mason: Well, I mean, it's possible to have an election in the middle of the fiscal year.

The Chair: Oh. Absolutely. But this gives a three-month thing. If you have to serve three months under this thing, April would go by, and May would go by. If the election was held in July, there would be eligibility. It would have been a six-month time frame.

Mr. Mason: You'd still be paying both groups of MLAs the full amount.

The Chair: Well, yeah. That's correct.

Mr. Mason: That's all I'm saying.

The Chair: Yeah, on that basis, but it would get away from, like, twice within one week kind of thing.

Mr. Mason: Yeah. Okay.

The Chair: Any thoughts?

Mr. Elniski: It's good.

The Chair: Is there support for it? Well, can I have a motion, then, to approve this, please?

Mr. Campbell: I'll make that.

The Chair: Mr. Campbell. All those in favour, please say aye.

Hon. Members: Aye.

The Chair: Okay. This, in essence, would go into effect immediately. Any other business? Nobody identified any other business, but that doesn't preclude the option for people to raise new business items.

Well, before we move to adjourn, there's the question of the date of the next meeting. Should we say at the call of the chair?

Hon. Members: Agreed.

The Chair: Before we go, I'm just going to ask for one thing. If anybody has any rumours about more desk changes, would you kindly advise me and the Clerk pretty quickly? We're in our seventh draft, and who knows what'll happen? Remember that Monday is a holiday, so we'd have to be here pretty early Tuesday morning if you're aware of anybody moving.

Mr. Campbell: We'll have the seating plan to you by the end of the day, Mr. Speaker.

The Chair: Okay. That's one. I take it everybody else is okay. Just help us work with you because we want to make sure your picture is in the right spot.

Mr. Mason: I think we should just put the desks on wheels.

The Chair: They pretty much are, except there's some electrical stuff.

Okay. Motion to adjourn?

Mr. Campbell: So moved.

The Chair: Okay. Agreed? Agreed. Thank you very much.

[The committee adjourned at 12:40 p.m.]

Published under the Authority of the Speaker of the Legislative Assembly of Alberta