



Legislative Assembly of Alberta

The 28th Legislature
First Session

Special Standing Committee
on
Members' Services

Thursday, June 7, 2012
11:44 a.m.

Transcript No. 28-1-1

**Legislative Assembly of Alberta
The 28th Legislature
First Session**

Special Standing Committee on Members' Services

Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC), Chair
Young, Steve, Edmonton-Riverview (PC), Deputy Chair

Calahasen, Pearl, Lesser Slave Lake (PC)
Dorward, David C., Edmonton-Gold Bar (PC)
Forsyth, Heather, Calgary-Fish Creek (W)
Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)
Jablonski, Mary Anne, Red Deer-North (PC)
Mason, Brian, Edmonton-Highlands-Norwood (ND)
Quest, Dave, Strathcona-Sherwood Park (PC)
Sherman, Dr. Raj, Edmonton-Meadowlark (AL)
Smith, Danielle, Highwood (W)

Support Staff

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

11:44 a.m.

Thursday, June 7, 2012

[Mr. Zwozdesky in the chair]

The Chair: I'd like to call this meeting to order. I have 11:44. Is that the time you have as well? I'm getting a nod of approval. Thank you.

Let me also say a special thank you to everyone for attending either in person or by audioconferencing, which I will explain in more detail in a moment. This is our first official meeting of the Members' Services Committee for the 28th Legislature, and I want to wish all of us well as we look at the agenda and the various items before us and make some important decisions for all of the colleagues whom we are here representing.

I want to just go through a roll call here quickly. I am here as the chair, Gene Zwozdesky. Steve Young is here as the vice-chair; Pearl Calahasen; David Dorward; Hector Goudreau; Mary Anne Jablonski; Dave Quest; Dr. Sherman; and Brian Mason; as well as our Clerk, David McNeil; Bev Alenius, from my office; and a number of other officers who will be introduced to you very shortly.

Any MLA is allowed to listen in and to participate in this particular meeting either by audioconference or here in person; however, I'll address what the limitations are of that in a moment.

Before we begin I want to first of all obtain and approve a motion that will allow the Members' Services Committee members who were not able to be here to participate and then to vote by audioconferencing. Please note that once the appropriate motion is presented in this regard, only those Members' Services Committee MLAs who are actually here in person and present are eligible to vote on that facilitating motion. Once the motion is presented and approved, those Members' Services Committee members who are with us via audioconferencing – and we have two that I'm aware of – then become eligible to participate and vote and so on as if they were here in person.

In this regard and as a reminder section 6 under part 1, division 1, page 4 of the Legislative Assembly Act states as follows:

A Member may participate in a meeting of a committee of the Assembly by means of telephone or other communication facilities that permit all Members participating in the meeting to hear each other if all the members of the committee consent, and a Member participating in a meeting by those means is deemed for all purposes to be present at that meeting.

It is my proposal to all of you that we receive a motion from a member who is present here in person which would enable Members' Services Committee MLA members to participate in full by audioconferencing and that such a motion would be in effect for the entire life of our 28th Legislature; in other words, for approximately four years. However, it would still allow us to require physical attendance of Members' Services Committee members at certain meetings if the committee wishes to in fact do so. If you concur with that premise, I would invite a motion to that effect. Please note that we do not require any seconders to any of our motions.

In order to give this effect, I have Mr. Dorward, followed by Mrs. Jablonski, followed by Mr. Mason.

Mr. Dorward: Point of order, Mr. Chair. We have two individuals, I think, when you read the names, that are not presently present, and we do not have a motion yet.

The Chair: That's correct, so they can't participate yet other than to listen in.

Mrs. Jablonski.

Mrs. Jablonski: Thank you. Will this be a debatable motion? Once the motion is made, is it debatable?

The Chair: It is absolutely debatable. But remember that we are acting in accordance with section 6 under part 1, division 1, on page 4 of the Legislative Assembly Act. I'm not anticipating any huge amount of debate, but I will open it to some debate.

Mr. Mason: I'll move it, Mr. Chairman, if you would like.

The Chair: I would like that motion moved. If you have a copy of the wording there, then fine, and if not, the standard motion reads as follows: for the life of the 28th Legislature the Special Standing Committee on Members' Services permit committee members to participate by teleconference subject to the proviso that the committee may require members' attendance at a particular meeting upon passage of a motion to this effect.

Do you so move?

Mr. Mason: Yeah. That's what I said.

The Chair: That's moved by Brian Mason. Thank you. It's well said, I might add.

The floor is open to some brief discussion on this. Mary Anne Jablonski.

Mrs. Jablonski: Thank you, Mr. Chair. It's very important to me that we respect the committees of the Legislature. We have provisions that are available for members who are unable to travel to Edmonton for a meeting to have a substitution. We have a substitution regulation. It's always important for me to be able to hear and see how a member feels about what they're discussing. We have members that have travelled six hours and eight hours to be here today for this meeting, so I'm really disappointed that we have two members that were not able to make this very important first meeting. I know that all of us had to arrange our schedules to be here. You know, most people show up for their first day of a job, and I'm just very disappointed that we have two members that are not with us.

My question would be: if we go ahead and pass this motion, does that then mean that all members do not have to participate in person but can participate by teleconference so that we could always hold a meeting without people present but people who are teleconferencing? That's my question.

11:50

The Chair: I will address the issue of substitution very shortly. It's in my self-prepared script to do so. I will also address in my comments momentarily the short time frame for this meeting and why it had to be called relatively quickly.

In response to your question, this process has worked very well in the previous Legislature, and it is entirely possible to have a meeting by teleconference should it become necessary. There might be circumstances that would otherwise disfavour someone from being here in person. Weather could be one. Illness could be another. Sudden bereavement might be another. I would ask for your concurrence with this motion so that we could proceed with it.

Are there any other speakers? Mr. Goudreau, followed by Dr. Sherman, followed by Mr. Dorward.

Mr. Goudreau: Well, thank you very much, Mr. Chair. I, too, am prepared to support this motion. I think it's an important one. Having travelled five hours one way and another five hours to go back, I recognize the importance of the ability to go into teleconferencing. But I do want to go on record to indicate my

disappointment that not all members are here for the first meeting. The fact that we can have substitution is important. I concur with Mary Anne Jablonski's comments. I would hope that in the future we would have, you know, great effort from all members to be here in person.

The Chair: Thank you.

Dr. Sherman, followed by Mr. Dorward, followed by Mr. Mason, followed by Mr. Quest.

Dr. Sherman: Thank you, Mr. Chair. I support this motion. While in an ideal world it's best that we're all present here physically, for some reason sometimes we're not able to be present. It's more important for all members of this committee to have the opportunity to meet. We have technology. Let's use it.

I thank the members who have travelled from far and wide for attending in person. I thank the other ones who are on the committee who for some reason are unable to attend but would still like to participate. For the sake of continuity of decision-making we are the elected committee members and every effort should be made to make sure that the members of this committee attend these meetings, whether it be in person or by using technology. In the event they are unable to attend either way, then I agree with Mary Anne Jablonski that substitutions are acceptable. I support this motion.

The Chair: Thank you.

Mr. Dorward: The hon. member is disappointed, and I'm confused. We have rules of order, and the rules of order, as I understand, require us to have a motion that needs to be unanimous, which I will vote in favour of. But I'm still confused. If we have members on the phone now, why do we need the motion?

The Chair: Because they can't vote, they can't move amendments, and they can't move motions. Any MLA is welcome to participate at any time with those provisos.

Mr. Dorward: Yes. All right. Thank you for that clarification.

Mr. Mason: Mr. Dorward just said that this motion needs to be unanimous, and I'm wondering what the authority for that is.

The Chair: In my opening comments I referred to section 6 under part 1, division 1, page 4 of the Legislative Assembly Act, which I have a copy of here, hon. member, and which I quoted from.

Mr. Mason: Okay.

The Chair: If you like, why don't I just read it again?

Mr. Mason: Please.

The Chair: Okay. I quote from that particular section of that particular part of that particular division.

A Member may participate in a meeting of a committee of the Assembly by means of telephone or other communication facilities that permit all Members participating in the meeting to hear each other if all the members of the committee consent . . .

All the members must consent.

. . . and a Member participating in a meeting by those means is deemed for all purposes to be present at that meeting.

Mr. Mason: Thank you, Mr. Chairman. Another question: who are the two members on the phone?

The Chair: Well, there are 11 members on this committee including the chair, and the two members who are also on the committee are the Leader of the Official Opposition, Danielle Smith, and Heather Forsyth.

Mr. Mason: I see what the game is, then, Mr. Chairman. Very clever. One member of the Tory caucus votes against this, and the Wildrose members are not allowed to participate in the meeting which determines the whole issue of compensation. It's very clever, but I'm not buying it.

This is a standard motion, that has been passed routinely by all committees of this Legislature throughout the last term, ever since it's been brought in. It is a courtesy and it is an obligation to all members of the Assembly that they be allowed to participate. So if one member votes against this motion and it fails, then it's very clear the political motivation behind that.

I've never heard anyone be so sanctimonious and indignant about people not participating in person in a committee before because, in fact, members from all parties have done that. Mr. Chairman, it's not hard for us as a small caucus who has only four members to participate in person because our members are from Edmonton, but other small caucuses that are from other parts of the province and have to travel have a lot more difficulty than a great big caucus like the PC caucus.

So, you know, I find this move to be offensive and another indication that the statements by the Premier with respect to enhancing the role of the opposition are, in fact, nothing more than propaganda.

Thank you.

The Chair: Thank you.

I'm going to allow one more speaker on this. Mr. Quest is next on the list. I just want to say, hon. member Brian Mason, that there is no game going on that I'm aware of, none whatsoever. What I am prepared to do is follow the rules, and they simply say what they say. So I'm trying to empower the two members that are joining us by audioconferencing to be part of this meeting, and I'm hoping that that's the spirit reflected here as well.

Mr. Quest.

Mr. Quest: Well, thank you, Mr. Chair. I'm prepared to support this motion, also, but this is a very important first meeting, obviously very important to all the members that are here. When we talk about travelling, we've got a member here from Red Deer, one from Falher, one from Slave Lake, many hours of travel involved, and this meeting was important enough for them to be here. I, too, am disappointed that we've got call-ins again for this very important first meeting. Still, I'm prepared to support the motion.

The Chair: Okay. Thank you.

We have a motion on the floor that I think everybody understands. Does anybody require it to be read out again? You would like it?

Ms Calahasen: The entire motion if you can, please.

The Chair: So I will read the motion out again as moved by Brian Mason: that

for the life of the 28th Legislature the Special Standing Committee on Members' Services permit committee members to participate by teleconference, subject to the proviso that the committee may require members' attendance at a particular meeting upon passage of a motion to this effect.

So before I call the vote on the motion, I must remind you that unanimous consent is required; otherwise, the motion will fail.

Those Members' Services Committee members who are here and present and are in favour of this motion, please say aye. If there are any opposed, please say no. The chair has heard silence, which would indicate consent, so we can proceed onward.

I'd like to officially welcome as official participants the Leader of the Official Opposition, Danielle Smith, and our colleague Heather Forsyth. Welcome to you both.

Hon. members, you should all have a copy of the proposed agenda for today's meeting, so I would like to begin by receiving a motion to accept the agenda as circulated. Moved by Mr. Goudreau. Is there any discussion on it whatsoever? Seeing none, then I'll call the vote. Those in favour of the motion to approve the agenda as circulated, please say aye. Any opposed, please say no. Thank you.

Hon. members, I wish to make a few brief opening comments before we proceed with the important business before us. First, with respect to the timing and short notice in calling this meeting, I want to thank each one of you for responding with your presence and/or your audioconference participation. Please note that these meetings are convened at the call of the chair, generally speaking, and as your chair I felt it important to meet as quickly as possible, and I'm going to explain a few reasons why.

As you know, the House adjourned on Thursday, May 31, and my written notice to each of you went out immediately the next day, Friday, June 1. I am aware now that some of you did not receive that notice until Monday, June 4, and for that I will take the responsibility and personally apologize, and I will assure you that I will do everything I can to provide more advance notice in the future.

12:00

Secondly, please know that a number of MLAs have contacted me over the past week or so inquiring about their pay and politely asking when they will know what their pay really is. Some out-of-town MLAs, in particular, have to buy homes or condos or whatever in Edmonton, and others are trying to decide whether to rent or buy or use hotels or bunk in with someone else until they know. Still others have some financial issues related to home purchases such as mortgages that might become necessary if they're taking up a temporary residence in Edmonton, and they require a letter from the Legislative Assembly Office to their bank indicating what their annual salary is, and up until now they still don't know for sure.

Thirdly, Government Motion 11, which was passed in the Assembly on Tuesday, May 29, 2012, is in effect a directive from the Assembly to our Members' Services Committee to implement "where possible by June 30, 2012," the recommendations of the Hon. John Major's report titled Review of Compensation of Members of the Legislative Assembly of Alberta, with certain exceptions. So time, obviously, is of essence.

Fourthly and finally, I should point out that the Members' Services Committee does have an unwritten custom, perhaps somewhat of a tradition, of usually meeting as quickly as possible when it's necessary after the adjournment of a particular session and, in particular, as soon as possible after an item has formally been referred to us by the Assembly. That is precisely our circumstance in large part today.

Therefore, I want to close my opening comments just by saying thank you to each one of you for understanding these four, perhaps five basic premises that necessitated this meeting being called as early as it has been and also the manner by which that early call was done.

A couple of formalities and some housekeeping items, starting with introductions. I'd ask the members who are joining the committee at the table, other than MLAs, to please introduce themselves and let the record show who they are. MLAs have already been introduced. I've done the roll call, and I've welcomed Ms Smith and Mrs. Forsyth and all the other members by name, so we know who the MLAs are.

Can I begin with Dr. McNeil.

Dr. McNeil: David McNeil, Clerk of the Assembly.

The Chair: Thank you.

Let's move down to Mr. Reynolds.

Mr. Reynolds: Rob Reynolds, Law Clerk and director of inter-parliamentary relations.

Mrs. Alenius: Bev Alenius, executive assistant to the Speaker.

Mrs. Scarlett: Cheryl Scarlett, director of human resources, information technology, and broadcast services.

Mr. Ellis: Scott Ellis, director of financial management and administrative services.

Ms Breault: Jacqueline Breault, manager of corporate services in the financial management and administrative services branch.

Ms Quast: Allison Quast, and I'm the committee clerk.

The Chair: Thank you and welcome to these helpful people, who can be asked to comment, provide background, and provide other information at our desire.

Meeting materials were posted to the committee's internal website, but if anyone requires copies of these documents, please let our committee clerk, Allison Quast, who is sitting on my right, know immediately. Does everyone have the meeting materials printed off for themselves from the committee's internal website? Thank you. That's good.

Six quick points in this regard. One, the quorum for these meetings is four members, including the chair. I'm happy that we do have the quorum. Two, the microphone consoles, for those who are present here, are operated by *Alberta Hansard* staff, which means that everything we say is obviously recorded. Three, please keep your cell phones and any other mechanical devices such as BlackBerrys and telephones and whatever off the table because these can interfere very significantly with the audio feed, and that can cause significant problems for *Hansard* and for others. Four, the audio of committee proceedings is streamed live on the Internet to the world, and it is recorded by *Alberta Hansard*. Audio access and meeting transcripts can be obtained via the Legislative Assembly website. Five, Members of the Legislative Assembly, MLAs in other words, who are not committee members nor, perhaps, official substitutions may attend and participate in our meetings, but they may not vote, and they cannot move motions or amendments. Six, even though any MLA can attend and discuss matters on the floor, the chair is generally obliged to give first consideration to those MLAs who are officially appointed members of this Members' Services Committee.

In brief, the mandate of our committee under the Legislative Assembly Act is that we have the responsibility to set most of the pay and benefits for members. This committee approves the annual estimates of the Legislative Assembly Office, which includes allocations for members' pay and constituency office global budgets, and we can also modify regulations, orders, or

directives under the Public Service Act and the Financial Administration Act.

This committee also sets members' allowances, constituency office allowances, and members' benefits and establishes human resource informatics and financial management policy for the Legislative Assembly Office.

As noted in our introductions, the Clerk, Dr. David McNeil, is with us at these meetings, as is Rob Reynolds, who serves as our Law Clerk and counsel assigned to our committee, and, again, on my right, Allison Quast, who is our committee clerk. However, we may also call on any of the managers of the LAO to provide us with support whenever required, and that includes commenting on issues to provide background or other information as may be required.

A comment on substitutions since that also came up. Standing Order 56(2.1) outlines the process for substitution of committee members, and it reads as follows.

A temporary substitution in the membership of a standing or special committee may be made upon written notification signed by the original Member and filed with the Clerk and Committee Chair, provided such notice is given not less than 24 hours prior to the meeting.

When substitutions occur, it is the responsibility of the original committee member to ensure that the substitute has been provided with all the necessary meeting material. It should also be noted that all appointed members are in effect deemed present at this meeting today and that no substitutions were required.

Now on to new business. Hon. members, we have three items to deal with under new business, and some of them will require specific motions. We'll begin with agenda 5(a)(i), which is titled Constituency Services Order. In brief, this agenda item involves a couple of housekeeping matters that arise out of the changes to constituency boundaries and their subsequent names that came into force when the election was called on March 26, 2012.

You should all have in front of you documents that you printed off from our internal website, including proposed Motion 1. I would like to call this one proposed committee Motion 1 because we will be dealing later with a government motion, and we've already dealt with some procedural motions, so if you wouldn't mind referring to this as proposed committee Motion 1, which addresses this matter, including amendments to the orders that would flow from this motion if it were passed. Members can also refer to the briefing note on matrix scores that is part of your briefing documents if you require more clarification on these motions and orders.

In order to get this motion dealt with, we'll need someone to move it onto the floor. Pearl Calahasen.

Ms Calahasen: Yes. I move that the schedule to section 1(3) of the Constituency Services Order be amended to reflect the changes to constituencies in the Electoral Divisions Act that came into effect on March 26, 2012.

The Chair: Thank you.

We have a motion moved by Pearl Calahasen. Is there any discussion on this motion? Brian Mason.

Mr. Mason: Thank you, Mr. Chairman. Just a question. I'm looking at the schedule on the second page, and there are matrix score numbers. Now, what does that represent? What does a minus 5 mean versus a plus 4?

The Chair: Well, a minus number in round terms basically means you don't qualify for any additional budget compensation for your

constituency. A plus score means you do. The matrix scores developed as a result of a series of factors, which includes, amongst other things, population count, number of school boards you may have, number of municipalities you may have. There might be some time and distance factors and things of that nature.

Is there anything else that bears commenting on, Scott, to answer Mr. Mason's question, that I have not alluded to?

12:10

Mr. Ellis: I think you've covered it all.

The Chair: Thank you.

Mr. Mason: Mr. Chairman, just to follow up with another question, one of the factors that's taken into account in this is the dependant population proportion, and I'm curious as to what that means. Does that mean people who need to access government programs, people who are at risk, or people who are particularly, you know, in poverty, that sort of thing?

The Chair: Scott, could we ask you to comment on that, please?

Mr. Ellis: I don't have the official definition of that handy right now. I could take it under advisement and get back to the member.

Mr. Mason: Okay. Well, I mean, we're about to approve a list, and it seems to me that many of the rural constituencies have very high numbers and many of the urban constituencies have very low numbers. My constituency, in particular, has a very high level of poverty, especially after redistribution. It's very much the inner-city part of Edmonton. We have a very high caseload of people, and we're expecting that to increase as the people from the more core parts of the city realize that they're now in my constituency. Minus 16 I think is about the lowest that I see here, and I would really appreciate knowing how that was calculated and whether or not the casework levels and the severity of the casework is in some way taken into account in this matrix.

The Chair: Thank you. I think your point is understood.

Do you have a little more information now, Scott, before I go to Mr. Dorward and then Mr. Young?

Mr. Ellis: Yes. I have the definition of dependant population proportion. This variable measures the proportion of population who are dependants or not in a labour force age group compared to the total population. Dependants include children 14 years of age and under and seniors 65 years and older. The age data used for this variable came from the 2001 census of Canada. The higher the number of dependants compared to the overall population, the higher the dependant proportion, which in turn is given a higher score and considered more difficult to represent.

Mrs. Forsyth: Mr. Chair, if you could add me to the list on this, please.

The Chair: Thank you.

Dorward, Young, Forsyth, and in between Dorward and Young I have McNeil.

Mr. Dorward: A supplemental to that: were commercial rents taken into account at all in the factoring of the matrix score?

The Chair: Not to my knowledge. I don't think so. But there is an item here that another hon. member has raised; under 5(b) I believe it is.

Dr. McNeil: This matrix was developed by the Electoral Boundaries Commission, and as the briefing note noted, the MSC implemented this as one of the factors in the constituency office budget calculation. So the formula has remained such since 2003-2004; however, the data has been updated by Alberta Finance so that the calculations here are reflective of the most recent data in relation to each of these calculations.

What Scott was reading was the Electoral Boundaries Commission report, which referenced 2001. These matrix calculations are based on the most recent data that Alberta Finance has, and they did the calculations for us based on the new constituency boundaries. We're just basically saying: here's the matrix that MSC approved to use as part of the calculation of the constituency budget. What we're asking here today is: given the new constituency boundaries, in order to implement this component of the budget for this year, this is what is required. This motion is required. You can go back and discuss the formula of the whole constituency budget. That's a whole other debate, it seems to me. This is, as we see, just a consequential amendment due to the fact that the boundaries have been changed as of March 26.

Mr. Mason: I understand. A question, though, is: when you say that you use the most up-to-date data, why are we using the information from the 2001 census? There's been a census since then.

Dr. McNeil: In response, Scott was reading from the initial report. We're not using the data from the 2001 census now; we're using up-to-date Alberta Finance statistics. He just read from the original report, that defined the matrix in the first place.

The Chair: Okay. Let me move to Mr. Young, followed by Mrs. Forsyth.

Mr. Young: Thank you, Mr. Speaker. This motion is not about considering the methodology or the data; it's about refreshing the application of the current data using that methodology. I think that if we want to reconsider – and I think there's certainly cause for that, as I think we'll hear from one of the members further on and as we've heard from Mr. Dorward – there are certainly some other factors that may be considered, but I think the subject of this motion is to refresh the new data, the new constituency boundaries to that same methodology established in 1996.

The Chair: Thank you.
Mrs. Forsyth.

Mrs. Forsyth: Thank you, Chair. I guess my question goes back to what has already been asked on the 2001 census, and then Dr. McNeil said: no; the data has been updated by Alberta Finance. Having heard that, what I haven't heard from Dr. McNeil is what data Alberta Finance is using. Is it a year? Where do they get these matrix score numbers?

I find it interesting – and it's already been brought up by one of the other MLAs – that the majority of the urban ridings all reflect a minus, yet the rural ridings, the majority of them, reflect a positive number. I find that what's even more interesting is that some of the urban ridings, in Calgary for example, that have had huge growth – Calgary-South East, Calgary-Hawkwood – are showing a minus. My constituency, Calgary-Fish Creek, has absorbed more constituents and has not had any decrease in growth whatsoever, yet it's reflecting a minus nine.

I guess I am somewhat confused on how this score reflects. It's going to have a huge potential in regard to, as you've mentioned also, commercial rent. We had to move because the place that I

had rented for 15 years was being demolished. We had a terrible time trying to even find space that allowed us to incorporate it into our budget. I think there has to be more information provided.

The Chair: Thank you. We will be having a discussion a little later on in the agenda with respect to office rents and other factors. Are there any other speakers or any other comments?

Ms Calahasen: Mr. Chair, I think this information was provided to us for information because of the changes in the electoral boundaries. All we're doing is making sure that we reflect the addition of the boundaries as well as that information that was done by the Electoral Boundaries Commission plus the update from the Finance department. This, I think, is to be able to make sure that my motion says: these new additions have to be added on as well. We have additions to the electoral boundaries now, and I think my motion is to be able to make sure that we do look at these changes and make sure that they're incorporated.

The Chair: I think you've summed it up nicely.

Could I just on a procedural point note for everyone that the mover of the motion is eligible to speak to the motion as many times as he or she wishes without closing off debate.

On that point, the chair wanted to just remind everybody that this is really an enabling motion that allows these new constituencies to have a life and, in turn, a budget and so on, and at the same time it updates some name changes and so on.

I don't want to diminish the importance of the issue that's been raised by the hon. Member for Edmonton-Highlands-Norwood – it is an important issue – but I like the way Mr. Young summed it up by saying: let's have that discussion and get more detailed information about it. Perhaps we can put it onto a future agenda with some significant substance.

Mr. Ellis, if we could charge you with following up with the chair and with Mr. Mason, I'd be happy to facilitate whatever we can to bring about a greater discussion, as the member wishes.

Mr. Ellis: Okay.

12:20

The Chair: Thank you.

Are we ready for the question, then? Audioconference participants, are you ready for the question? Those in favour of the motion as presented by Pearl Calahasen, please say aye. Those opposed, please say no. Accordingly, that motion is carried.

We will get to some clarifications through Mr. Ellis's homework in this regard.

Let us move on to agenda item 5(a)(ii), which is titled Transportation Order. This agenda item addresses the need for certain changes that are required as a result of changes in the names of certain northern constituencies and, in turn, the constituency air charter service that may be required to represent individuals living in those areas. Once again, the need for this also arises from the recently held election.

You should all have in front of you proposed committee Motion 2, if you don't mind calling it that, please. It probably just reads "Proposed Motion #2," but if you could please call it proposed committee Motion 2, which deals with this matter, including the amendments to our Members' Services Committee orders that would flow from this motion if it were passed.

Do I have someone prepared to move this particular motion?

Mr. Goudreau: Mr. Chair, I'm prepared to move proposed committee Motion 2, and it's going to move that the transportation

order be amended in section 1(b) by striking out subclause (i) and substituting the following:

- (i) the service may be used only by the Members for the electoral divisions of Fort McMurray-Conklin, Fort McMurray-Wood Buffalo, Dunvegan-Central Peace-Notley, Lesser Slave Lake and Peace River.

The Chair: Thank you.

The motion is on the floor. Is there any discussion on this motion? Audioconference participants, are you okay?

Mrs. Forsyth: Yes.

Ms Smith: Yes.

The Chair: Thank you.

Seeing no members wishing to discuss this, I'll call the question. Those in favour of the motion, please say aye. Those opposed, please say no. Accordingly, that motion, committee Motion 2, is carried. Thank you.

Hon. members, we're now going to deal with agenda item 5(b), which, essentially, has two parts to it, both of which are here at the request of Dr. Sherman. The first one is a request pertaining to office rents. I hope everybody has a copy – you should – of Dr. Sherman's letter to me dated May 30. Yes? Everyone appears to. Thank you. I would also like to note that previous committees have been given some comparison charts on constituency office rents from time to time and that updated charts will be provided to this committee at a subsequent meeting.

The second request deals with staff wages. The chair would like to just remind everyone that the 2012-13 budget has already been approved, and that particular budget included a 7 per cent increase in wages for constituency staff. This particular matter, in the chair's opinion, deserves some discussion, and it deserves discussion at the 2013-14 budget meeting of this committee, which will be constituted sometime this fall, in time to catch the budget window. Nonetheless, I would ask Dr. Sherman if he wishes to make a few comments about this, and then if anyone else wishes to make a comment, I'll invite you as well.

Please note that we're not in a position to amend that budget. It's already been set, done, and approved. We will have an opportunity to do whatever we wish for the coming budget, for 2013-14, when we constitute a meeting for that purpose later this fall.

Dr. Sherman: Mr. Chair, the concern with this was that, as you know, we get fixed budgets. The needs in all areas across the province are very high in serving our constituents. With salaries going up, rents going up, in effect, I personally found that we had to reduce the number of staffing hours to serve our constituents. So if we're going to approve staff pay raises of 7 per cent, it comes out of ours or out of a fixed budget. We need to look at rents and salaries and the whole budget in its entirety, and that was the focus of my question.

The Chair: A fair comment. It will require considerable background and comparison sheets and everything else, and we will have a very, very thorough discussion on it, I can assure you.

Mr. Goudreau.

Mr. Goudreau: Thank you, Mr. Chair. I'm satisfied that you will have a thorough review of this. My comment is to expand the research work to include other centres aside from Edmonton and Calgary, as identified by Dr. Sherman's letter here. There are many, many other centres in this province that are growing very dramatically, and I think a number of us as MLAs right across the

province are feeling the same pressures. I know that with my very large constituency, being about 300 kilometres from end to end, I have to operate two offices to be able to service my clientele. Certainly, my constituents expect no less than that. I don't anticipate being able to balance my individual office budgets this year. Things are getting tighter and tighter. So I appreciate the information that will be forthcoming in future budget deliberations.

The Chair: The chair would like to note that he has heard from a number of other MLAs who are not participants at this meeting on this issue. It is significant, and we will have it addressed in the fall meeting that I've alluded to.

Mr. Young: I think this issue parallels some of the questions and discussion we had from the previous motion, which was to update the formula. I think this falls within that formula consideration of what factors need to be considered. Certainly, the previous member who spoke here talked about the distance. Other ones in large urban centres have rent increases. We need to have a fair formula to calculate all the factors that go into the cost structure associated with each individual constituency. I think that should be woven into Mr. Ellis's consideration and research.

The Chair: Thank you.

Ms Calahasen: Mr. Chair, clarification. We're talking about not only the cities but also the rural constituencies, so we look at the distance factor as well.

Thank you.

The Chair: All 87. I think there are a number of factors, Pearl, that need to be looked at. I'm sure there's a history of things that have been discussed, debated, decisions made going back several years, but it's time to review it and update it, refresh ourselves. That's why I'm suggesting that this is more appropriately dealt with in great detail at the fall meeting. We'll have a meeting exclusively on this, I'm quite sure.

Ms Calahasen: Thank you.

The Chair: Audioconference participants, do you have any comments?

Mrs. Forsyth: Just, Chair, again some reassurance that when we're looking at the matrix that we've talked about and that I brought up previously, we'll look at updating that.

I would also like to add that I would like to see what the matrix was previous to April 23 so that I can have a comparison of what it was previously versus what is showing now on the schedule.

The Chair: Thank you. That can be done. Perhaps we could undertake that and have it ready for our next meeting.

Mr. Ellis?

Mr. Ellis: Sure.

The Chair: Thank you. Well noted.

Anyone else? If that's the case, would you agree with the chair's recommendation, then, that this item be part of a formal agenda with a lot of time dedicated to it as necessary for the fall meeting that I have alluded to? Are you in agreement?

Hon. Members: Agreed.

The Chair: Is anyone opposed to that? So we have consensus on that. Thank you very much.

We are now moving on to item 5(c), Government Motion 11. Hon. members, the Assembly has instructed this committee to implement those elements of Justice Major's report as directed by the Assembly pursuant to Government Motion 11, which was passed by the Assembly on May 29, 2012. With that in mind, I would propose that we structure our discussion into three primary areas, and I will explain why in a moment.

12:30

Area 1, our discussion in that regard, I would propose, will deal with MLA remuneration and the transition allowance issue, and that would effectively cover recommendations of the Major report numbered 1, 2, 3, 5, 6, 7, 8, 9, and 14. However, it would also deal with Government Motion 11.A(a), which deals with the Premier's salary and is the fourth recommendation in the report. It would also deal with Government Motion 11.A(b), which is the issue of tax-free allowance, which constitutes, essentially, the 10th recommendation of the Major report, and it would also deal with Government Motion 11.A(c), which deals with the transition allowance issue and constitutes, essentially, the 11th recommendation of the Major report. I shouldn't really say "constitutes." It more reflects the matter contained in those three items. So that would be area 1. To sort of sum that up, it means that we would deal with items 1 through 11 of Mr. Major's recommendations.

Now I'll move to my proposal that we deal with area 2 separately because area 2 is all about the RRSP allowance and the pension plan matters, which covers recommendation 12 and effectively addresses Government Motion 11.A(d). That would be a separate discussion.

Then area 3 would report on all other matters, which would essentially cover the remaining recommendations: 13, 14, 15. Recommendation 13 deals with health, life insurance, disability benefits; 14 deals with future adjustments to MLA pay in relation to CPI indexing; and 15 deals with who should review MLA compensation and how often.

That is my proposal, and the reason I'm suggesting we deal with it in the three areas is because this would accommodate our committee process as it relates to our committee's orders. You all have a green book like this, and it is titled, specifically, *Consolidated Members' Services Committee Orders*. At the end of the discussion what we are really talking about is amending our own orders, and they happen to group themselves nicely according to the three areas that I've just indicated to you. Secondly, it would also allow us to accommodate Government Motion 11.

What I'd like to have now is just concurrence that everyone is familiar with Government Motion 11. If you are, then we can entertain a motion to deal with this, and it would be proposed committee Motion 3.

Mrs. Jablonski.

Mrs. Jablonski: Thank you, Mr. Chair. I certainly like the way that you've outlined how we should proceed. I do have a motion that I wanted to pass with specific reference to the area that you've indicated as area 2. Shall I present that motion at this time or wait till you come to area 2 because I'm going to ask for some more information?

The Chair: Well, I would appreciate it if we could deal with area 1. I'm just looking for a procedural aspect here that will facilitate our discussion and, hopefully, get something accomplished. I think one of the issues that I'm hoping we will be able to resolve today is, in general, the issue called MLA pay because of the reasons I indicated almost an hour ago. So if you wouldn't mind,

Mrs. Jablonski, waiting on that particular motion, I would ask for your concurrence to proceed with the three areas in the three different discussion methods I've indicated.

Dr. Sherman.

Dr. Sherman: Thank you, Mr. Chair. The Liberal caucus position is that MLAs should not set their own pay. In our platform we had made recommendations about what the pay should be. We appeared before Justice Major's committee. But the principle we must stick with is that MLAs should not be deciding their own pay.

I move that we accept Justice Major's report in its entirety. It was an independent report. While we may agree or disagree with issues within that report – and, hey, the Alberta Liberal position was to agree and disagree with some of the positions in that report – the principle we must stick with is that we must not set our own pay. This is what's gotten us into the political mess in the first place.

The Chair: Thank you for that.

There is a motion that the hon. member wishes to move, and you pre-empted me just a little bit. I was just about to ask if someone would please move this proposed motion so we could get the discussion going. However, let's deal with your motion first since you've made a formal motion here.

Are there any speakers to that motion? Mr. Goudreau, followed by Mrs. Jablonski.

On this matter we typically out of courtesy ask the Official Opposition Leader to comment first. If you wish, Ms Smith, I would bump the order in this instance to allow you to go first, followed by Mr. Goudreau and Mrs. Jablonski.

Ms Smith: Certainly. Just to be clear, we are speaking to proposed Motion 3, that gives the schedule of indemnity allowances and also, as you described it.

The Chair: Not yet, hon. member. Not yet. Dr. Sherman has put a separate motion on the floor to accept the recommendations contained in Mr. Major's report. Essentially that was it.

Do you have the exact wording of your motion there, Dr. Sherman?

Dr. Sherman: The wording would be that we recommend that we accept the Major report as tabled in its entirety.

The Chair: So that's the motion, Ms Smith, that we're dealing with first.

Ms Smith: Oh, certainly. I'd be happy to speak to that. I have some problems with the Major report, which of course will be revealed as we go forward dealing with the government motion. But, generally speaking, I think he made some significant errors in several parts.

Number one was the error in the indemnity prescribed for the Premier's pay, which was excessive by any standard of Albertans looking at the process as it was going forward. I was pleased to see that the Premier rejected that out of hand. I think that was a smart decision on her part.

I also object to the defined benefit pension plan being proposed in the paper as well. I think that we'll be able to discuss that further in your section 2, so I don't need to proceed on that one.

I think, generally speaking, the fact that the government rejected the tax-free allowance portion is something we've been advocating for some time, so I'm pleased that the government took that position.

I am also pleased that they rejected the severance allowance. We had been prepared to accept a more reasonable severance allowance, but I think that the decision to reject that sends a very good signal as well to Albertans that the government is listening to some of the concerns that they have raised.

Those are the major issues that we had with the Major report. I was pleased to see that the government recognized that those areas were also problematic from a point of view of being offside with where the public was at. I would speak against and vote against Dr. Sherman's motion for those reasons. I think some of the accommodations that have been made by the government are reasonable.

The Chair: Thank you very much for keeping your comments brief. That's much appreciated because – you're quite right, Ms Smith – we are going to have a much larger discussion once we get to the proposed committee Motion 3. If I could invite others to follow that particular lead, I'd be very grateful.

Dr. Sherman, you wanted to speak again. Mr. Goudreau will go next, so you'll go after him, and then we'll come to Mrs. Jablonski, Mr. Young, and Mr. Mason.

Mr. Goudreau: Thank you, Mr. Chair. I'm just wondering. Certainly, a lot of this has been debated in the House. There was a resolution that was passed in the House to identify the fact that members had the opportunity to bring forth their concerns, their issues. There were a number of motions that were made at that particular time and were approved. I'm just asking a question as to the direction and the impact that that particular direction has on a committee decision that we have to make here today.

The Chair: Thank you. You know, procedurally that's a very good question because we are here, as I indicated in my opening comments, to effectively implement the motion that was passed, which is known as Government Motion 11, implement it not without discussion, not without thorough debate, and so on, but it would be contrary to that. Nonetheless, in the spirit of fairness to Dr. Sherman we'll have the discussion here.

Mrs. Jablonski.

12:40

Mrs. Jablonski: Thank you, Mr. Chair. I would point out that with Dr. Sherman's motion to accept the report in its entirety we would have some difficulty, and that's because the report presents options in two areas. The one area where options are presented is in the MLA compensation area, where we have an option of accepting his recommendation about whether we should have one pay or a base pay with a tax-free allowance. That requires some debate and discussion. We also have two options in the area of the pension plan, which he presents in his report as a defined benefit plan or a defined contribution plan, which requires more discussion and debate.

So we do need to discuss the report. We cannot just accept it as presented because he asks us to debate the options in the report.

The Chair: Thank you to the two previous speakers for keeping your comments short.

Dr. Sherman, Mr. Young, and Mr. Mason.

Dr. Sherman: Thank you, Mr. Chair. As you know, you have to go back in the past a few years. The way this all started was that when the government set their own pay, the ministers and the Premier gave themselves a 30 to 34 per cent pay raise. The issue with the

public wasn't how much MLAs get paid. It's how the process was done. It's the fact that they set their own pay. That was the greater issue.

On February 22, 2010, there was a motion from the Member for Lethbridge-East, Motion 501 – it was passed in the Legislature – calling for an independent review of MLA pay. While I agree with the other members – in fact, in our election policy there are issues within the Major report that we don't agree with; there are issues that we do agree with – the greater principle is that MLAs should not be debating and setting their own pay. It's based on principle that we take this position. Whether we agree or disagree, Members of the Legislative Assembly passed a motion for an independent review. A review has been independently done. We may agree or disagree. We have to stop letting politics enter this process for political gain. We must stick with the principle. If we set our own pay, we set a moral compass for society, where anyone in society who is negotiating with government should be allowed the ability to set their own pay and cherry-pick things that they feel are good for them.

Again I reiterate that MLAs should not set their pay. The Alberta Liberal caucus does not support cherry-picking issues for political reasons. We recommend accepting this report in its entirety.

Thank you.

The Chair: Thank you.

Mr. Young, then Mr. Mason.

Mr. Young: Thank you very much. I think Albertans were aware of the Liberal platform. A decision was made. The election was concluded, and decisions were made there. As well, Government Motion 11 was discussed, debated, and resolved. So we are here with a mandate to implement that motion, and I think we need to move forward on that motion, not move backwards.

The Chair: Thank you.

Mr. Mason.

Mr. Mason: Thanks very much. I'd like to address the question of MLAs setting their own pay, which has been raised by Dr. Sherman in his motion. While I agree with that in principle, it would require a great deal of work to come up with a system that would allow that to happen in a way that actually made sure that MLA pay was fair, acceptable to the public, and so on. We don't have that system in place.

I would just draw Dr. Sherman's memory back to when the Major commission was established by this committee. I was there for the meeting. It was a very odd sort of thing, you know, in terms of how the committee normally operates. The Speaker undertook to do it on his own after receiving a letter from the Premier, so it wasn't from the committee at all. The Speaker told us that we were being let to know about this as a courtesy, but a motion was passed in principle to approve the course of action that was being followed.

So Mr. Major, I'm sure a very respected member of the judiciary and so on and also a former leading member of the Progressive Conservative Party, was undertaken. Somehow the choice was made. The Speaker says that he made the appointment, and I accept his word. But that's not a process that's put in place that guarantees an independent review of compensation. In fact, I believe that there are significant errors within the report.

Ultimately, you can say that we shouldn't set our own compensation, but in the meantime we have that responsibility under law and under the rules of this Assembly.

So I don't accept Dr. Sherman's contention that we should endorse every recommendation of this report. I think some of them are excessive. You know, it's very simple to say that we shouldn't set our compensation. It's quite another thing to say that this particular report represents exactly what should happen, and I don't believe it does.

The Chair: Is there anyone audioconferencing who wishes to comment? Ms Smith has spoken. Mrs. Forsyth, do you have anything to add?

Mrs. Forsyth: Well, I guess, if I may, I find it perplexing that on one hand we're told that the discussion was on the floor – and let's recall that the discussion on the floor was limited to the time of debate – and then it's brought up that the recommendation under Motion 11 is to implement what was passed by the majority of the government on these particular recommendations that were debated under Motion 11.

Chair, if I may, if we're going to have a thorough discussion in regard to accepting the recommendations made and passed in the Legislature in Motion 11, I think it's fair that the parties, whether it's the PCs, the Liberals, the NDP, or, for that matter, the Wildrose, get on the record once again for Albertans how they feel about the – and I'll put this in quotes – independent Major report. I said on the Legislature floor at the time of this debate that I had questioned the independence of the committee when you cherry-pick particular recommendations that are acceptable to the Premier. I think it's incumbent upon this committee to have a vigorous debate on how we feel on the motion yet again so that Albertans are well aware of how every party feels.

The Chair: Thank you.

We will have a very thorough discussion if I can get to proposed committee Motion 3, which I hope to. I'm hoping that we've covered the topics here. We've had, I think, eight or nine different speakers already.

Are we ready for the question on Dr. Sherman's motion?

Some Hon. Members: Question.

The Chair: The question has been called. Those in favour of Dr. Sherman's motion, please say aye. Those opposed, please say no. Accordingly, that motion fails.

Now, just before we call for a mover for this motion, there are a couple of things I need to explain here. First of all, everyone should have a copy of proposed committee Motion 3 and the amendments to the orders that would flow from this motion if it were passed. I will ask a member shortly, whoever wishes, to move Motion 3 so that we can have our discussion on it, but in the meantime you should all have in your materials package that you printed off the website for yourself a summary of the proposed MLA remuneration changes, including MLA indemnity and allowance, committee allowances, additional allowances other than MLA, and special members' allowances. Does anyone not have that information at hand? Thank you.

Noted on the summary chart are the corresponding references to the recommendation number from the report and, in the case of the Premier's salary, from the motion. Please note that the recommended effective date for the remuneration changes is April 23, 2012, and the proposed process for annual review is detailed at the bottom of the document.

Now we move on to the transition allowance piece. Pursuant to discussions in the House and a motion from the government, Government Motion 11, the transition allowance entitlement is to be discontinued as of April 23, 2012. Therefore, you will notice in

proposed Motion 3 a reference to the transition allowance matter. Basically, what this means is that the members who presently have accrued an entitlement based on the period of time that they have served in the Legislature will still be entitled to receive the entitlement when they cease to be members. All calculations of the entitlement will be based on their service and salary for the period of time up to April 23, 2012. Members elected for the first time in the provincial election will not be entitled to the aforementioned transition allowance.

Is there a member who would please move proposed committee Motion 3? Mr. Quest so moves.

The floor is open for discussion on proposed Motion 3.

12:50

Ms Smith: I'd like to speak, Mr. Chair.

The Chair: Just a moment. It should be read into the record. Ms Smith, I will recognize you first, but, Mr. Quest, would you mind reading proposed committee Motion 3 into the record.

Mr. Quest: Thank you, Mr. Chair. With respect to the Major report and Government Motion 11 I move that

the following draft orders be approved – Members' Allowances Amendment Order (No. 23); Executive Council Salaries Amendment Order (No. 08); Members' Committee Allowances Amendment Order (No. 09) – and that the following schedule to the Members' Services Committee Orders be adopted, the schedule and orders as printed, as everybody has.

The Chair: That is the motion.

I'll develop a speaking order here.

Ms Smith: Just as an understanding of the process, Mr. Speaker, am I able to propose an amendment to the schedule that has just been named into the record?

The Chair: Yes, you are.

Ms Smith: Do I speak first to why I would like to propose that amendment, or do I propose the amendment first and then speak to it after?

The Chair: As you wish. If you want to speak to the motion in a general sense, the motion that's just been read into the record, please do that and then offer your amendment later, or if you'd like to start straight off with the amendment, that's fine, too.

Ms Smith: Okay. Well, let me speak generally, then, to the motion. Part of the reason why the majority of our caucus, as you saw in the Legislature, supported this is that we agree with the approach taken, where we need to see a single transparent MLA salary and no additional amounts or committee pay for members to attend. I think that that is moving in the right direction.

The reason that a few of our members voted against the motion is because they do not want to see an increase in the amount of pay that is given to any position. We do recognize that the fully taxable amount of \$134,000 does constitute a significant pay cut for most MLAs. If you look at the report from last year, there were some government MLAs making in the order of \$150,000 to \$160,000, so we do recognize the sacrifice that government members are making in addition to members who'd been sitting before. This is the reason why, generally speaking, I support the move to a single \$135,000, fully transparent, fully taxable salary.

Where I think there needs to be a modification is in the schedule. I think that when you look at the proposed MLA remuneration document that has been passed out, we see what the

annual remuneration is for the different officer positions as of April 1, 2012. In the case of the Premier it's \$81,000. For the Speaker it's \$63,912 as well as for the minister with portfolio as well as for the Leader of the Official Opposition. The minister without portfolio is \$28,000. And so on down the line.

The percentages, however, that are listed in the schedule in the motion would actually constitute a pay increase on that indemnity for all of those additional allowances. As such, I would like to propose an amendment to ensure that we're setting the tone for how this Legislature is going to go forward and setting the tone on the executive side for how they're going to conduct themselves in their future negotiations with public-sector workers.

You certainly cannot vote yourself a pay increase and then ask public-sector workers to take a pay decrease or to freeze their salaries or to even take a cut. I think that leadership begins with those who are on the executive committee, and I think that those that are in these officer positions as well should demonstrate that they're prepared to take the first step in showing some austerity.

We do know that we're on track for a billion-dollar shortfall on the operating budget, a \$2 billion shortfall on the capital budget. If energy prices continue as they are, we may face another \$3 billion shortfall overall. This is not the time for MLAs in any capacity to be increasing their pay.

As such, the amendment that I would propose – and I've worked out the percentages so that they would be roughly similar to what the amount of pay is right now. Then, of course, the annual increases would go up in line with inflation, so it doesn't impact any of the other motions with the exception of setting the base pay at a level that is actually slightly lower than what the annual remuneration would be as of April 1, 2012. I think that would be setting the right tone. If MLAs have to take a cut, I think that those in a position to receive an additional allowance should also be prepared to take a cut.

Mr. Chair, with your indulgence, I'm happy to put forward a motion that would go forward with those percentages.

The Chair: Just before you do, I wonder if you are in a position to have one of your staff members fax us a copy of it so that we have something in writing to look at and refer to, or is it a very briefly worded amendment?

Ms Smith: I'm happy to write something and e-mail it. I would take a few minutes on that. How would you like to proceed?

The Chair: Well, the fastest method would be if you could e-mail it to our committee secretary, Allison Quast. Her e-mail address would be allison.quast@assembly.ab.ca.

Ms Smith: Okay. It may take me about five minutes to do that. Would you want to continue with the discussion while that's going forward, or what would you like to do?

The Chair: If you don't mind, that might be a reasonable way to do it. I mean, procedurally I'd prefer to have the amendment that you want to bring forward brought forward and perhaps read into the record. Members can get the gist of it, and then we can debate it while you're e-mailing it to us. Is that all right?

Ms Smith: Okay.

The Chair: So let's go with the verbal.

Ms Smith: You have to help me. This is my first motion being made in this committee, Mr. Chair, so I ask for you to indulge me in making sure that I've got it worded appropriately.

The Chair: Sure. You're moving an amendment which for our purposes we're going to refer to as amendment A1, just so we have a reference. Go ahead.

Ms Smith: I would move that the schedule read that salaries and allowances in addition to the indemnity allowance set out in these orders are based on the following percentages of the indemnity allowance: the Premier, 60 per cent of indemnity allowance; the Speaker, minister with portfolio, Leader of the Official Opposition, 47.5 per cent of indemnity allowance; Deputy Speaker and Chair of Committees, 23 per cent of indemnity allowance; minister without portfolio and leader of a recognized opposition party, 21 per cent of indemnity allowance; Official Opposition House Leader and Deputy Chair of Committees, 10 per cent of indemnity allowance; third-party House leader, chief government whip, 8 per cent of indemnity allowance; assistant government whip, chief opposition whip, 6 per cent of indemnity allowance; assistant opposition whip, third-party whip, 5 per cent of indemnity allowance.

Would you like me to also calculate the dollar figure that that calculates out to, or is that sufficient, Mr. Chair?

The Chair: Do you have it handy, hon. member? Perhaps you could calculate it and send it in.

Ms Smith: I'll calculate it and send it in at the same time.

The Chair: Yeah. That would be great.

Okay. We have amendment A1 on the floor. Have you concluded, then, Ms Smith? Can I open it up for discussion, or do you have some more comments on your amendment?

Ms Smith: Those are all the comments I have. You can please open it up for discussion.

The Chair: Thank you.

Are there any speakers to the amendment as verbalized, anticipating that we're going to get a printed copy of it very soon? Mr. Goudreau.

Mr. Goudreau: Thank you, Mr. Chair. You know, certainly those numbers are extremely close to the existing numbers, and in light of what the report from Justice Major has given, I would suggest that we stay with the original recommendations.

The Chair: Thank you.

Mr. Young.

Mr. Young: Yeah. I'm just concerned, up or down, that it's the members selecting their own salary, and I think we should stick with the Major report.

The Chair: Thank you.

Mr. Mason.

Mr. Mason: Thanks very much. You know, I have to say that the rationale given for this motion – that is, that we need to start freezing or even reducing the salaries of the provincial employees – is not one that I agree with. I don't think that their salaries are the source of the financial difficulties which may or may not be ahead for the government. With that premise, you know, I can't support this.

The Chair: Thank you.

Any other comments on the amendment? We're waiting for the printed copy to arrive just for our own records.

1:00

Dr. Sherman: Mr. Chair, for the record I'll abstain from the vote. As the Member for Edmonton-Riverview said, Justice Major came out with a report and recommendations. For us to be nickelling and diming in a race to the bottom or a race to the top – I abstain from this vote based on the principle that we should not be setting our pay.

Mr. Mason: A point of order, Mr. Chairman.

The Chair: Yes, Mr. Mason.

Mr. Mason: My understanding is that the rules do not allow for abstentions.

The Chair: Parliamentary Counsel, do you have a comment on that point? They do allow for abstentions? They don't.

Mr. Reynolds: No, they do not.

The Chair: Perhaps we could reference that in a formal way for ourselves. I'd like to acquaint myself with that provision as well.

So there you have it. Parliamentary Counsel has indicated that, apparently, abstentions are not allowed. Mr. Mason, you're quite correct, and thank you for raising the issue.

Are there any other speakers to the amendment?

Ms Calahasen: Mr. Chair, clarification. Is it the Official Opposition leader's amendment? Is that what we're talking about?

The Chair: That's what we're voting on.

Ms Calahasen: Okay. Thank you.

The Chair: Okay. Are you ready for the question, then? You're ready?

This doesn't preclude you from still mailing it in, hon. member Ms Smith, for our records. Okay?

Those in favour of amendment A1 as moved by Ms Smith, please say aye. Those opposed, please say no. Accordingly, the noes have it, and that amendment fails.

We're back to the main motion. Are you done with speaking to the main motion, Ms Smith?

Ms Smith: I am. I've made my points clear, I think.

The Chair: Yes. Very well done. Thank you.

Dr. Sherman on the main motion.

Dr. Sherman: Mr. Speaker, I didn't vote yea or nay, and we're at a crossroads here with respect to myself. We do not agree with participating in the discussion of setting your own pay, and I must recuse myself from the meeting.

The Chair: You're at liberty to do whatever you wish, hon. member.

Dr. Sherman: Thank you.

The Chair: Okay. Anyone else on the main motion, proposed committee Motion 3?

Mr. Mason: I have a question. You know, I apologize for not researching this in advance of the meeting, but it's been a pretty busy time for us. Maybe someone can help me. The Major report talked about something called grossing up. In other words, when you have the one-third tax free, it actually raises your take-home

beyond what it would normally be if it was all taxable. My understanding was that the intention of grossing it up was to make sure that the take-home pay remained the same. I'd like to know if that is the case.

Then just to complicate it, I ask: the same as what? Is that the same as the base pay without committee pay or with one, two, or three committees?

The Chair: Mr. Dorward, being of the profession of accountants, perhaps you can clarify this a little bit.

Mr. Dorward: Well, actually, somebody in the room may have been about to do that, but I can confirm that I did go through those numbers, and your assessment, hon. member, is correct. The tax-free portion versus no tax-free portion can be easily compared, and the net pay in both those situations does vary somewhat with the individual person's particular tax circumstance. But I can confirm that I've gone through those numbers, and Mr. Major, I'm sure, did the same in his report. We're talking within a couple of hundred dollars' difference in the net pay for an MLA under this.

Mr. Mason: Based on the base pay without committee pay or with committee pay included?

Mr. Dorward: With committee pay included in the old situation.

Mr. Mason: Okay. Now, that depended, Mr. Chairman, on how many committees an MLA sat on, and it was maxed out at three: a thousand dollars a month, as everybody in the province now knows, per committee. I would just like to confirm that the grossed-up amount contained in this motion is equivalent to the pay with one-third tax free including committee pay. I'd like that to be confirmed.

The Chair: David McNeil, do you have a comment, please?

Dr. McNeil: Yeah. In reading the report, the basis for Justice Major's recommendations was the job evaluation done by Hay Group. He arrived at that salary of \$134,000 based on the job evaluation that was done by Hay Group.

Now, if you grossed up the old MLA indemnity and tax-free expense allowance, it came to \$90,500 and something. I can't remember. Anyway, it was just over \$90,000. Then you add an average of \$36,000 per member. That came to \$125,000 total. So the \$134,000 represents a slight increase from that, the average of what the members were taking home as far as take-home pay in the past.

Mr. Mason: The reason I ask is that we committed to not supporting an increase, and if it is an increase, it's . . .

Dr. McNeil: Well, the basis was that, you know, when you take all things into account, the problem is that some members could have been earning \$2,000 a month; others were earning the max at \$3,500 a month. It's, I would say, almost comparable. The \$134,000 was not based on just taking what members earned before and adding the committee pay. It was based on a job evaluation by Hay Group.

Mr. Mason: Well, I appreciate how you got to it, but how it compares is something that is important to me because of our commitment.

Dr. McNeil: I would say that overall it's comparable.

Mr. Mason: Okay. Thank you.

The Chair: Cheryl Scarlett, did you have anything you wished to add?

Mrs. Scarlett: No. The only thing I would add is that the figure that David was looking for in terms of the base gross-up was \$90,780.

The Chair: Is that okay for now? Thank you.

Are there any other speakers to the main proposed committee Motion 3? Hearing none and seeing none, are you ready for the question, then?

Hon. Members: Question.

The Chair: Those in favour of proposed committee Motion 3, please say aye.

Mr. Mason: Mr. Chairman, could we split the motion for voting purposes?

The Chair: Well, the question has been called already.

Mr. Mason: Okay.

The Chair: Is it something that we can deal with later, perhaps?

Mr. Mason: No. But, anyway.

The Chair: No? Are you sure?

Mr. Mason: It's okay.

The Chair: It's okay?

Mr. Mason: That's fine.

The Chair: All right. Thank you for your concurrence.

Those in favour of proposed committee Motion 3, please say aye. Those opposed, please say no. It appears we have six yeses and three noes, so that motion is carried.

Hon. members, we will now move on to area 2, as I defined earlier, and discuss the RRSP and pension issue. The excerpt from Government Motion 11 states:

- (d) that the committee examine alternatives to the pension plan for members proposed in recommendation 12 and discussed in section 3.5 of the report, including defined contribution plans, and report to the Assembly with its recommendations.

In this instance the report, to be clear, is the report issued by Hon. J.C. Major, which I alluded to earlier. It's important to note that this recommendation is one that clearly states that the Members' Services Committee must report back to the Assembly with a recommendation for further discussion.

I'm going to open up the floor shortly here on how the committee would like to proceed. For example, we may ask the staff of the Legislative Assembly Office to assist us in gathering any additional information that the committee might require for subsequent meetings. I appreciate that this meeting has been called very quickly after session adjourned and that several members have not yet had much opportunity to consider this in any great detail other than some of the debate that occurred in the Assembly last week.

As a point of clarification the issue of the RRSP should be commented on as well. Members are currently eligible to receive the RRSP allowance once per fiscal year. For the information of all members and in keeping with Justice Major's recommendation

12, the RRSP allowance would continue until a postemployment income plan, whatever name it might have, may be implemented.

I will open the floor up to the issue of how you might wish to proceed with this item, which essentially is Government Motion 11.A(d).

Mrs. Jablonski.

1:10

Mrs. Jablonski: Thank you, Mr. Chair. In the Major report, the MLA Compensation Review, two options for an MLA pension plan have been outlined. I believe we need more information in order to make a well-informed decision, so I would move that the committee request that the Legislative Assembly Office research and report on alternatives to the pension plan for members as proposed in the Review of Compensation of Members of the Legislative Assembly of Alberta.

These options are found in the Major report, as you know, in recommendation 12.

The Chair: Okay. Just for our record if you wouldn't mind doing the same thing that Ms Smith is doing – that is, prepare it in hard copy for our committee secretary – that would be helpful.

Hon. members who are joining us by audioconference, did you get the gist of that motion, or would you like it repeated?

Mrs. Forsyth: No. I heard Mrs. Jablonski. She's recommending that we further study and bring it back for further discussion, if I'm correct.

The Chair: Yes. The motion simply said that the committee, being this committee, request that the Assembly office research and report on the alternatives to the pension plan for members proposed in the review.

Mrs. Forsyth: Okay.

The Chair: There's a little more to it, but that's the gist of it.

Anyone have any comment on the motion as proposed by Mrs. Jablonski? Mr. Mason.

Mr. Mason: Thank you, Mr. Chairman. I just want to get a few comments in principle on the record with regard to this. At my very first meeting of this committee after being elected to the Legislature, there was a very unusual meeting of the committee that took place on the opening day of the university games. There was no media notice that was sent out. It was a very private little meeting where the proposal for the transition allowance was brought forward and voted on, and I was the only member at the time to vote against it.

Now, I've always said, when asked, "Well, what's the alternative?" that I don't have any problem with a reasonable pension as an alternative. The problem is that it can't be a gold-plated pension. I've always said that we should compare ourselves to something that a teacher might get or a nurse might get or something, not something that a CEO might get. So I don't have any problem with that in principle, but if it's too rich, you know, I don't think the public will support it.

I also want to just weigh in on the whole question of defined benefits pensions versus defined contribution. I am not proposing that we should be leading the way on this in any way, but I do want to counteract some of the comments that have been made, I think, by the Wildrose Party in particular about: everybody else is getting out of defined benefits pensions.

The labour movement in this country is fighting very hard to retain that because people who've worked for decades at various

jobs, believing that they were going to have some financial security in their retirement, are losing their pensions altogether or being shifted to a kind of a pension where they can't count on a predictable income. So I just want to be on the record in terms of that, that if the motivation for getting away from a defined benefits pension is to set an example for working people, that they should be prepared to give up their defined benefits pensions, then that's not something I agree with politically.

I think we need to strengthen pensions in this country. We need to strengthen the Canada pension plan significantly, and it's unfortunate that Alberta blocked the move towards trying to find a way to improve the pension system. There are many people, millions of people, approaching retirement with inadequate retirement savings, many of whom have lost their pension. You know, if it's to set an example to working people that they should lower their expectations, I'm not there. Having said that, I'm not arguing in favour of a defined benefit pension for MLAs. You know, we're the last people to lead on this. I think we should be standing up for working people on this issue in other ways.

Thank you.

The Chair: Thank you.

Ms Smith: I'd like to speak to this, Mr. Chair. I'm unclear from the motion whether or not it encapsulates what was passed in the Legislature, where we would also look at a defined contribution plan. My understanding of the Major recommendation is that he came down on the side of a defined benefit plan. I'm wondering if the mover can actually clarify if the direction she's giving to staff is to come back with both defined benefit and defined contribution, as the motion passed in the Legislature indicated.

The Chair: Mrs. Jablonski.

Mrs. Jablonski: Thank you, Mr. Chair. That's exactly what I want the information on, both proposals. I feel that before we can make a well-informed decision for all members of the Legislature, we need to have all the facts presented to us on both options that were presented in the report by Mr. Major.

Ms Smith: May I continue, Mr. Speaker, then?

The Chair: Just a quick point of clarification from Dr. McNeil, and then we'll go to you, Ms Smith.

Dr. McNeil: The report recommended a defined benefit plan. In the material that was provided by the consultant, there was some reference to defined contribution plans, but the recommendation in the report was a defined benefit plan. What Motion 11 says is that also you should look at defined contribution plans. That's the essence of the motion, then, but the fact is that the report recommended a defined benefit plan.

The Chair: Ms Smith, followed by Mrs. Jablonski.

Ms Smith: Thank you. As you know, I'm all for getting more information, but I can provide some information now about why we will be opposing a defined benefit plan and why we would look at one of two different options for defined contribution, and I hope that we can get information on both of those.

If you look at what is happening in other jurisdictions, there are already other jurisdictions where MLAs are paid on a defined contribution basis. Saskatchewan, for instance, has a defined contribution plan where MLAs pay 9 per cent and the government matches 9 per cent. In Ontario they've gone a different route, where MLAs are actually required to put their own money, which

is 10 per cent of their own MLA salary, into an MLA RRSP by requirement, and the government does not match at all. So I think we're seeing that there's actually quite a range of how MLAs do get compensated on the pension packages.

The reason we oppose a defined benefit plan is that we know that there actually is around the country a very serious difficulty with defined benefit plans. Canada Post went through recent difficult negotiations, realizing that they could not continue to put new workers into defined benefit plans. CP Rail is currently going through similar problems. They have poured \$1.9 billion into keeping their plan solvent and are facing ongoing challenges. Countries like Greece and Italy have the government paying double what employees put into their pension plans. I note that that is actually what Justice Major recommended for his defined contribution plan, but this is contributing to serious financial crises in both Greece and Italy.

Here in Alberta Alberta's unfunded pension liability of \$10 billion is now far bigger than any other province with the exception of Quebec. Saskatchewan has an unfunded pension liability of \$6.3 billion, and Newfoundland has an unfunded pension liability of \$3 billion.

If MLAs were to take a defined benefit form of pension at a time when we see so many of these plans becoming insolvent or in the case where we're seeing so many governments having difficulty managing them, that would send absolutely the wrong message. We recognize that we are in a period of serious financial turmoil around the world, and to be voting in these kinds of rich benefits is at odds with the economic reality and, I think, at odds with what Albertans want to see.

That being said, there are two different approaches to defined contribution, and once again I hope that we do get information back on both of them. There is a traditional defined contribution plan such as they have in Saskatchewan and that our own Legislative Assembly is in, where the employee makes a contribution that is matched by the employer, starting at dollar one. There is also an option of a group RRSP style pension plan, which I think has the benefit of ease of administration rather than having to rely on our civil service to create a new pension plan to manage on our behalf. If we create a group RRSP pension proposal, it would allow for employees to have a certain amount deposited in that plan that they would then take with them as they go on to future careers.

1:20

As we know, MLAs, even the long serving ones, are typically not putting the same amount of time into a career in public office as those who are staff. So it does make sense to look at a different type of model. What I do like about the current approach, where the amount that is given to MLAs is half of the contribution limit that's determined by the federal RRSP plan of \$11,482, I believe, this year. I think what I would like to see is a potential hybrid proposal, where \$10,000 or a certain set amount is deposited directly into a group benefit plan for the MLA, which is consistent with what we have right now, and then have a matching amount that would go up to that RRSP limit.

Now, I don't know if I can be that prescriptive in putting an amendment forward. I hope that by putting that on the record as another option that we would be able to consider once we've actually seen the numbers on it, that would be part of the report that we get back when we're assessing this at a future date. I did want to go on the record saying that there are, actually, a couple of different ways to do defined contribution plans, and I want to make sure that we're getting all of the options available to us when the staff report back to this committee.

The Chair: Thank you. Just for purposes of clarity, Ms Smith, our secretary has e-mailed to you and to Mrs. Forsyth the typed-up version of Mrs. Jablonski's motion. You have it on your BlackBerry now.

Ms Smith: Thank you.

The Chair: Okay. We'll check it against the official one that she verbalized earlier, of course.

I have Mr. Dorward next on the list, followed by Mr. Young.

Mr. Dorward: Thank you. Without going on and on about various types of pension plans for which we don't have any information yet because we haven't passed this motion, I did want to ask the LAO, through this discussion, to take care of a potential gap that we have in the way that Government Motion 11.A(c) was presented to us, that being that there is no transition allowance or that it's rejected.

Recommendation 12 in the Major report was that "a pension plan should be re-implemented for MLAs on a going forward basis, with no recognition of past service," of course. If you go through section 3.5 of the Major report, you get to the section which discusses vesting, and you get to the point where the vesting recommendation in the report is such that the vesting would only occur after somebody was an MLA for five years.

For those that may not understand the vesting concept, it is when it would be effectual. An individual who was here for one term, four years as an MLA, presumably would get back all their contributions but not be a part of the pension plan. This creates a bit of a gap in the sense that somebody who's only elected for one term does not have a transition allowance, nor do they have a pension plan. I would ask the LAO to include in their submission of information to us some prospective options to be able to look after this gap.

The Chair: Very well said. Thank you.

Mr. Young: Well, I think that David said it very well, and I think the point is that we need to have all the information in front of us and not be prescriptive in terms of the answers. It needs to be completely transparent, and we throw it on the table and make a clear decision and have a fulsome debate about it when we're presented with the facts. I thank Mary Anne for the direction.

The Chair: Thank you.

Are there any other speakers to the motion as proposed by Mrs. Jablonski? Neither hearing nor seeing any, are you ready for the question, then?

Some Hon. Members: Question.

The Chair: The question has been called. Those in favour of the motion moved by Mrs. Jablonski, please say aye. Those opposed, please say no. There are no noes, so that motion is carried.

Now, we have one final item to deal with here, and that is the matter of area 3, as I called it. Hon. members, recommendation 15 in the report by Justice Major is something that can be reviewed by our committee under part B of Government Motion 11. Part B of Government Motion 11 reads: "Be it resolved that nothing in this motion shall limit the committee's ability to report to the Assembly on any other matter arising from the report."

The Major report, if I can call it that, recommends that member remuneration be reviewed every four years by the Chief Justice of the Alberta Court of Queen's Bench and two other justices of that court. The committee may wish to review this recommendation

and report back to the Assembly on its viability. Some members may recall that some comments were made on whether or not it is possible for us to assign a duty such as this to a Chief Justice without some consultation, perhaps. I'm sure we would be within our liberty to make a request. However, I open the floor to some discussion on how you may wish to proceed with this particular item.

Are there any speakers?

Ms Smith: I'd like to speak to it. I think that we've identified the problem of only asking judges to look at the issue of MLA pay. They're in an inherent conflict. Because politicians determine the pay of judges, they're never going to come back and say that MLAs should be paid less. Plus, they're also in a position with professional salaries where I think their frame of reference is not the same frame of reference as everyday Albertans'.

I have no problem with a judge chairing the committee, being a member of the committee, but if we are going to constitute the committee, absolutely the other two positions need to be filled by people who actually have the kind of experience that most of us, before we came to elected office, had. We have people who come into elected office who were teachers or nurses or municipal councillors or small-business owners, a variety of different backgrounds. I think that that is actually more reflective of the kind of composition of a committee panel that we would need to determine whether or not, first of all, the pay is reasonable but also to determine whether or not it's going to pass muster with Albertans.

Now, I take the point that you raised, Mr. Chair, about whether or not we can even make this decision today, and I have to say that if we are going to be voting on this, I would vote against it because I don't think that asking three judges to determine MLA pay is going to result in an optimal decision. I think we're going to end up with the exact same problem that we did with this, where there are three or four recommendations that are completely unacceptable to the public, and the only way we're going to have an independent committee that works is if you have a combination of people who do come from a professional background as well as those who come from the same type of background that MLAs have experienced before they entered public office.

The Chair: Thank you.

Mr. Young: There's always going to be a challenge of: who's independent? We've already seen some people use the undignified use of quotations around independent and questioned others' independence on this. What's the mechanism to determine who is dependent? Opinions vary. I just put that out there, that we need some kind of mechanism to determine how we determine what body is going to make it – certainly, the one proposed of a judicial court, that is clearly independent – and as you pointed out, the ask, or the request, for that is appropriate and not directive.

The Chair: Thank you.

The chair is of the opinion, if I'm allowed to express one, that this may warrant further consideration.

Are there other speakers?

Mr. Dorward: Well, just thinking logically, we have a motion already brought to us that has been passed in the Legislative Assembly that approves in principle the Major report, which means that 3.8 is approved in principle. We've also been asked to bring back to the Assembly any other matter arising from the report, so I guess we've got a bit of a materiality issue here

relative to what's a big issue to bring back to the Assembly and what's a small one.

I'm of the view that judges do represent the very people that would comment, and I think that they would bring those notions to the table. I think that the concept of having judges do it is fine, but I do see the issue relative to the ability that we have to appoint a Chief Justice and two other judges to something.

Maybe we should have a discussion about whether this holds us up or not, if it causes any consternation. I suppose it doesn't in the short term since it's an analysis that has to be done a year from now.

1:30

The Chair: The chair would be prepared to receive an indication that would allow us to give this matter some further consideration. I don't want to preclude any additional debate from going on, but that's my sense of where I think the committee is going.

Do we have any comment from Mrs. Forsyth or Ms Smith in this regard?

Ms Smith: Can you just, then, clarify what you would take that to mean, Mr. Chair? Are you suggesting that you would bring this back at some future point?

The Chair: Yes.

Ms Smith: Then we'd be able to vote on the constitution of the committee at that time? If that's what you're suggesting, then I'm prepared to agree to that. Otherwise, I would put forward an amendment today that we would constitute a committee of a judge and two members at large to be chosen through an independent mechanism. But if you want to defer that conversation to some future point, I'm happy to do that.

The Chair: Well, you know, the chair hesitates to get drawn into the debate per se, but I'm sensing that some additional consideration probably is warranted and should be given. Your first point would be the way that it would go. It would be an item that would come back with some additional information, some additional research, perhaps, having been done, perhaps some options which members can feel free to send in to our committee secretary, Allison Quast, or to myself directly. Then we would put it on an agenda in the very near future and deal with some of those options, have some discussions, and at that point if you have a more formal amendment to some motion that may come forward, that would be most welcome. For now I'd ask whether or not the further consideration of this matter is warranted.

Mrs. Forsyth: I'd be prepared to make that motion, Chair. If you're uncomfortable as the chair making a motion, I'd be prepared to make that motion.

The Chair: Well, what would your motion be, that we give this matter further consideration and bring it back to another meeting in the near future of this committee?

Mrs. Forsyth: Yes. That and some research and some recommendations. Ms Smith has already indicated that she likes the idea of a judge and two members.

The Chair: It's recommendation 15.

Mrs. Forsyth: Right.

The Chair: We're not making a decision on it.

Mrs. Forsyth: No.

The Chair: It wouldn't put us offside with any government motion. We're just saying that we're going to consider it further. That's all we're saying.

Mrs. Forsyth: That's correct, and that's what I would propose, that it comes back.

The Chair: Bring the matter back for further review.

Mrs. Forsyth: Correct.

The Chair: I have Dorward and then Young and then Mason. David?

Mr. Dorward: Yes. I have a comment.

The Chair: I'm sorry. Just before you do, do we have a formal motion on the floor, then, from you, hon. Mrs. Forsyth?

Mrs. Forsyth: Yes.

The Chair: To bring this matter back for further consideration.

Mrs. Forsyth: Correct.

The Chair: We'll check the wording with you. Let's go, then, on the motion.

Mr. Dorward: Well, I just go back to the government motion that I have before me, Government Motion 11, whereby it says that we need to "report to the Assembly on any other matter arising from the report." I'm confused as to whether the motion is an attempt to go back against recommendation 15, which has been approved in principle by the Assembly or whether it's within recommendation 15 relative to the nuance of whether this committee has the ability to appoint a Chief Justice to anything.

The Chair: Well, the only clarification I can provide you is that the government motion says, "Be it resolved that the Assembly approve in principle." So we're not going against any government motion here or the direction of the Assembly. All we're saying is, if I read the members' comments correctly and the movers', in particular – I'm not trying to put words into anyone's mouth, please – if I read the sense of that, it just says that we're going to do a little more study on this and that perhaps there are some polite alternatives to the motion without upsetting the overall government motion.

Just before we continue with Mr. Young and Mr. Mason, there's a point of clarification here that our Parliamentary Counsel, Rob Reynolds, is invited to make.

Mr. Reynolds: Thank you, Mr. Chair. I just want to say that in my experience when it comes to appointing members of the judiciary to undertake any functions that are not part of their judicial duties, it requires a statutory provision. Members of the judiciary, I think, are uncomfortable accepting roles when they're not laid out pursuant to statute.

For instance, in the Electoral Boundaries Commission Act it specifically prescribes that a judge of the Provincial Court or a justice, I believe, of the Court of Queen's Bench may chair the committee. That's in statute, and that's normally the way that it would go if you want a member of the bench to perform a service.

In this respect while the Assembly has agreed in principle to the recommendations of the Major report, in this case the committee could not implement recommendation 15, in my view, because it couldn't require a justice to perform these functions. Therefore, it would be up to the Assembly, if it so desired, to pass a bill to do

so. That, I believe, is how you would have comment by the committee surrounding any possible legislative initiatives on that. That would be my interpretation of what, in fact, you are deciding now.

Thank you.

The Chair: Okay. Thank you.

Mr. Young: I just want to follow up. I think it would serve this committee well to have a full scope of the understanding and table this for more research and some more background. I don't think we're in a position for circular arguments about independence and stuff. I think we need a framework for that, and I think we can table it for the future.

Thank you.

The Chair: Mr. Mason.

Mr. Mason: Thank you very much, Mr. Chairman. Well, it all hinges on the question of independence. I think people need to be careful what they ask for, you know, because I don't mind if you appoint your independent guy, as long as I get to appoint my independent guy. I mean, it really is difficult to find true independence and what is independent. The question is: independent of whom?

With respect to this matter I think that the people who are most likely to be objective are members of the judiciary. In my view, like, three judges might be a little bit excessive, but I think we should follow Mr. Reynolds's advice. Having sent this back, referred it back to the administration for further study, bring it back, and make a recommendation to the Legislative Assembly which may involve a member of the judiciary performing this role, and inform them that they will be required to bring forward some legislation in order to enable it.

The problem that I have with the whole thing is that I don't think the government should be picking a person even from the judiciary. I think the Legislative Assembly as a whole or this committee can do that. When you appoint a couple of other people who are not members of the judiciary, you are going to end up with people who are picked by the majority of the Legislature or of the committee, and they may or may not have full independence, whatever that may be.

I like the concept of going to the judiciary. I think that it's not perfect, but they're probably the only professional independent people in the whole country. I mean, that's their job, and there are lots of reasons and safeguards for why that is, you know, part of their tradition. So I think if we're going to go down this road, that's probably the most prudent way to proceed.

The Chair: I think the spirit of Mrs. Forsyth's motion is very much in keeping with everything that has been said by everybody. We do need a way of reconsidering this or considering it further or whatever and taking into account points such as you've made, Mr. Mason, and others here have made.

Is there any other person who wishes to speak to this motion by Mrs. Forsyth?

Ms Calahasen: Could you read it to us?

The Chair: Do we have the motion phrased, Ms Quast?

Ms Quast: I would ask Parliamentary Counsel to assist. I've got it. Moved by Mrs. Forsyth that the Special Standing Committee on Members' Services consider the issue of recommendation 15 from

the MLA Compensation Review – Alberta: May 2012 Report and provide alternatives to the review of MLA pay in the future.

1:40

The Chair: Mrs. Forsyth, that's a very lengthy perhaps elaboration of the spirit of your motion. The way that I understood your motion was that we simply make a provision to bring this issue back to this committee for further consideration.

Mrs. Forsyth: To discuss who will be looking at MLA reviews.

The Chair: Okay.

Mr. Mason: Mr. Chairman, if I may, I think it's a referral motion that should be made as such. It should be referred to our administration to come back with recommendations or proposals that the committee can consider at its next meeting.

The Chair: Let me just go back to Mrs. Forsyth. Heather, I appreciate you having volunteered to do this. We don't have anything in writing yet that I'm comfortable with or that I'm ready to call a vote on, so would you mind just giving it a go, and we will then have something quite concrete in terms of what motion you would be making.

Mrs. Forsyth: Well, I think the spirit of the motion, simply, is to bring it back for the committee to review with some recommendations and options on who will be reviewing further MLA compensation.

The Chair: So the motion is that this item be brought back to the committee.

Mrs. Forsyth: Yes. For further review.

The Chair: For further review. Good.

Mrs. Forsyth: And recommendations.

The Chair: With recommendations?

Mrs. Forsyth: Right. With recommendations on who will be reviewing it on future compensation of MLA salaries. That goes to recommendation 15 of the Major report. We don't need to add any of that. We're just complicating things here.

The Chair: Okay. I'm just trying to get it phrased here, Heather. That this matter be brought back to the committee for further review with recommendations regarding who should review future MLA compensation.

Mrs. Forsyth: Right.

The Chair: Or compensations, as the case may be.

Mrs. Forsyth: Right.

The Chair: Plural? Compensations?

Okay. Are we clear then on what that motion is? [interjection] Yeah. Let me just get the motion phrased here so that we're all in agreement that this is the motion. That this matter be brought back to the committee for further review with recommendations on who should review future MLA compensations.

Heather, are you good with that?

Mrs. Forsyth: Yes. I think that captures what people are trying to say. Ms Smith has indicated that she doesn't like the idea of three

judges, with one and two members of the public. All of that can be incorporated in the recommendations at a future meeting.

The Chair: Okay.

Now, Mr. Dorward, you have an amendment to that motion, or are you comfortable with it the way it is now?

Mr. Dorward: No, I don't have an amendment to the way it's worded.

The Chair: Okay. Thank you.

Are we ready for the question, then? Seeing none and hearing none, then let's go with the question.

Those in favour of the motion as I have just read it into the record that

this matter be brought back to the committee for further review with recommendations on who should review future MLA compensations.

Those in favour, please say aye. Those opposed, please say no. Okay. That motion fails.

What is your wish on how we might deal with this, then?

Mr. Dorward: I would like to propose a motion, and I think we can use similar wording. However, the context of what I would like to move pertains to whether or not or the mechanism to be used to have three justices report back to us, to report back to the Assembly with respect to the modifications.

The context is that recommendation 15 said that there should be the Chief Justice and two other judges. I believe the sense is that that's the correct way to have it. It's just a matter of how that happens or how it transpires or whether the Assembly has to make a bill that would allow that to take place and keep the motion very distinct to that issue alone.

Mr. Mason: First, a question to Mr. Reynolds: is an Alberta statute sufficient to enable a federal judge to participate in the way that you outlined?

The Chair: Mr. Reynolds.

Mr. Reynolds: Thank you. That's an interesting question. The administration of justice is within the purview of the province, so while the appointment of judges to a superior court such as the Court of Queen's Bench rests with Parliament, the administration of justice rests with the province. So there is a constitutional basis to ask a Court of Queen's Bench justice to perform certain functions.

Mr. Mason: Okay. Thank you.

The only difficulty I have with this motion, Mr. Chairman, is that I really don't think that we need three judges for this. I think that's too many. You know, it's a little bit excessive, and maybe it's not as important as all of that. I mean, it is important – I don't mean to say that it's not – but it's, essentially, an administrative matter, and I think we are overreaching a little bit to expect three judges to give their time and effort to resolving this question.

The Chair: The chair would like to try and sum this up so we can move along. What I would look for is someone who would be prepared to move perhaps a simplified motion that might read along this line, that retired Justice Major's recommendation 15, regarding who should review MLA compensation and how often, be brought back to this committee for further consideration, period.

I'm sensing that that leaves us the latitude we require, it doesn't put us offside with anyone or anything, and it gives us time to do

some research and some digging. What I can assure you is that if you are willing to put a motion like that on the floor, we would ask for some assistance from Parliamentary Counsel, obviously, from our executive officers with LAO, and from whomever else we might need to consult with to put some additional solid, credible information on the table for us to consider.

Mrs. Jablonski: Mr. Chair, I so move.

The Chair: Mrs. Jablonski is moving that

retired Justice Major's recommendation 15, regarding who should review MLA compensation and how often, be brought back to this committee for further consideration.

Is there any additional comment anyone wishes to make, or are we good with that?

Neither hearing nor seeing any additional speakers to that, I'll call the question, then. All those in favour of Mrs. Jablonski's motion, please say aye. Those opposed, please say no. We have two noes? Okay. That motion, accordingly, is carried.

Mrs. Jablonski: Was that one or two noes, Mr. Chair?

Ms Calahasen: It sounded like one no to me.

The Chair: Well, it's not a recorded vote, in any event.

Ms Calahasen: Exactly. So it doesn't matter.

The Chair: Right.

Okay. We are at other business. Hon. members, we have a section here called Other Business. Is there anything anyone else wishes to raise that we haven't covered or that they feel they want us to cover at a later date?

Ms Smith: I do, Mr. Speaker.

The Chair: Is that Ms Smith?

Ms Smith: It is.

The Chair: Please proceed.

Mrs. Forsyth: I would also like to if we're not repeating the same thing.

The Chair: All right. Let's begin with Ms Smith, then.

Ms Smith: Certainly. Well, I'd like to thank the members for making the motion to allow for teleconferences. I think it would have been fairly awkward for everyone over the next four years if we had made a decision that no one under any circumstances would ever be able to teleconference in. I am one of the MLAs who, of course, only got the notice of this meeting on Monday afternoon. I'm not quite sure when the government members got their notice, but I know that Heather and myself only got it with 72 hours' notice. I accept that it was an error – and I do appreciate that – but, of course, on 72 hours' notice, when you've got events on Wednesday evening and also on Thursday evening, it can be a little bit difficult when you don't have a government plane to fly you from Calgary to Edmonton to get to meetings on time.

1:50

I would remind the committee that we did notice that there was a PC caucus meeting in Calgary yesterday. So while Mr. Goudreau, I'm sure, would have under normal circumstances driven five hours to get from his riding, I wonder if he maybe

misspoke when he spoke earlier about the inconvenience of trying to get to Edmonton for a meeting with that in mind.

In any case, I do appreciate the indulgence of the committee in making sure that we have teleconference ability available to us, and I do appreciate their understanding that we don't have some of the same advantages that they do, sitting in a government caucus.

The Chair: For the record please note that there are no government ministers present here.

In any event, anyone else on this? Mrs. Forsyth, you had a point as well.

Mrs. Forsyth: Well, I guess Danielle and I were thinking along the very same lines. I was quite taken aback, actually, at some of the comments as we patiently listened on getting participation and a vote in regard to the teleconferencing. As you're well aware, Mr. Chair, I have been on both sides of the fence, PC for a very long time and crossed the floor in January of 2010, and at no time as a member of Members' Services previously have we ever, ever questioned a member's attendance, whether it's participating by teleconferencing or not.

I would like to remind the members as a committee member that all members get additional pay for attending the committee. Both Danielle and I participating by a conference call is quite a lot less than what it would be if we were flying in. I will – and I have tried since I've been listening to the conversation – try to get the flight manifest from the government to see which members of the committee were on the government plane as they came back from a two-day caucus conference in Calgary.

I appreciate some of the comments that were made in regard to how people had to drop everything. I think that when you're looking at a caucus of 62 versus a caucus of 17, both the leader and I had commitments last night, commitments this morning. We cancelled what we could to participate at this particular meeting from, actually, 11:30 to 3 p.m., and both of us have commitments this evening.

I want to thank the committee for allowing us to participate by phone. I have used the phone on many, many occasions to participate in committee meetings on various committees throughout especially the last two years as a member of the opposition and have never at any time had any complaints in regard to any of the participation on conference calls from any member, whether it was a member of the opposition or, for that matter, a member of the government.

Thanks.

The Chair: Okay. I don't sense there's any "other business" business, so perhaps we could entertain a motion for adjournment in a moment.

I would like to flag item 7 on the agenda, which is the date of the next meeting. Perhaps what the chair will do is a survey of members within the next few days to see which dates are available and if there is a mutually agreeable date available before, perhaps, the summer runs away. We are all extremely busy people – I know that – and the staff are extremely busy, and many of them are planning holidays, as perhaps some of us are as well. So with respect to the issue of the date of the next meeting, if you're agreeable to that, then I will do a quick survey of individuals to find out what date or dates might work, and we'll try and do that far enough in advance.

That being said, if you're in agreement with that, I would entertain a motion for adjournment.

Mr. Mason: So moved.

The Chair: Moved by Mr. Mason that the meeting adjourn. All in favour? Any opposed? All right. Thank you, hon. members. Thank you to those on audioconference, and thank you to those of you who are here in person. Thank you to the staff who helped prepare for this meeting and attended it.

[The committee adjourned at 1:54 p.m.]

