



Legislative Assembly of Alberta

The 28th Legislature
First Session

Special Standing Committee
on
Members' Services

Tuesday, November 6, 2012
8:32 a.m.

Transcript No. 28-1-5

**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
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

8:32 a.m.

Tuesday, November 6, 2012

[Mr. Zwozdesky in the chair]

The Chair: It's 8:31 on my clock, so I'd like to call this meeting to order. Just two sentences about two housekeeping items. The dress protocol matter as it pertains to media I resolved with the president of the Alberta press gallery. Then I tabled that in the House, as you know, and I asked that you distribute it to all your staff. That was done a few days ago. So we're concluded on that item unless anybody wants any further clarification. Is there anyone seeking such? No.

Just before we do roll call, I'm waiting for a couple more members to arrive.

Secondly, I am scheduling more constituency office visits to different parts of the province for next week just to keep that process moving. That's just an update.

Thirdly, before we get to roll call, today is an early morning meeting. It's a breakfast meeting, so food will be allowed at the table.

We will proceed through to and adjourn at 10:30 a.m. unless it's the committee's wish to proceed beyond that, but I think people have plans made, and it is a sessional sitting day, so we're looking at the clock very closely and carefully.

Okay. Let us go around the table for the record and see who is here. I'll start with Dr. McNeil. Do you want to introduce yourself first? Then we'll go that way.

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

Mrs. Forsyth: Hi. I'm Heather Forsyth, Calgary-Fish Creek.

Ms Smith: Danielle Smith, Highwood.

Dr. Sherman: Good morning. Raj Sherman, Edmonton-Meadowlark.

Mr. Reynolds: Good morning. Rob Reynolds, Law Clerk and director of interparliamentary 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: Good morning. Scott Ellis, director of financial management and administrative services.

Mr. Goudreau: Hector Goudreau, Dunvegan-Central Peace-Notley.

Mr. Quest: Dave Quest, Strathcona-Sherwood Park.

Mr. Dorward: David Dorward, MLA, Edmonton-Gold Bar.

Ms Calahasen: Pearl Calahasen, Lesser Slave Lake.

Mrs. Jablonski: Good morning. Mary Anne Jablonski, Red Deer-North.

Mr. Young: Steve Young, Edmonton-Riverview.

Ms Quast: Allison Quast, committee clerk.

The Chair: Thank you. We're just anticipating the arrival of one other committee member, Brian Mason, who I think indicated he would be here, did he not? So he'll catch us up in short order.

Okay. Hon. members, thank you very much for attending this morning. Let's hope for a productive couple of hours. In my

memo of October 25 to all committee members I outlined the intent of today's meeting. The intent is on your revised agenda, which at the bottom left corner is dated revised as of November 6, 2012, which is today's date. Therefore, I would look for a motion to please approve the agenda as circulated this morning. Mr. Quest has so moved. Thank you. All in favour of that motion, please say aye. Are there any opposed? Accordingly, that is carried.

Our third item of business is approval of the minutes of the October 19 committee meeting. Those were circulated to you. I'm wondering if there are any errors, omissions, or comments with respect to those minutes. Not at this time? Thank you. A motion to approve the minutes? Pearl Calahasen has moved that we approve the minutes of October 19, 2012. Is that correct, hon. member?

Ms Calahasen: Yes, it is.

The Chair: Thank you.

Those in favour of that motion, please say aye. Those opposed, please say no. Accordingly, that, too, is carried.

Item 4. We have some old business to deal with; in other words, stuff that has been referenced before. At the moment, you will recall, we have a motion on the floor. Just to sort of set this up contextually very quickly, the motion was presented by Mr. Steve Young with respect to MLA expense disclosure. At our last meeting Dr. McNeil and Mr. Scott Ellis, who is our director at FMAS, financial management and administrative services, provided an overview. Then we had quite a discussion that started up on the topic at hand.

The present motion is on the table. I don't know if any members require it to be read aloud again or not. Is there anybody who requires it to be read?

Mrs. Forsyth: I think that for the record it would be good, Mr. Chair.

The Chair: Okay. For the record, at the request of Mrs. Forsyth, let me read this to you. Moved by Mr. Young that

the Special Standing Committee on Members' Services approve the following policy on MLA expenses reporting and disclosure:

Expenses related to accommodations, meals, hosting, and travel as covered by the member's services allowance and approved for reimbursement by the Legislative Assembly will be disclosed and reported consistent with the government's expense and disclosure policy.

The public disclosure must include the following information:

- name and position of individual who incurred the expense;
- date of transaction(s);
- transaction amount(s);
- expense category (travel, including transportation, accommodation, meals and incidentals, and hospitality);
- description and rationale for meals and hosting; and
- supporting documentation (receipts).

The expenses disclosed and reported will include both financial as related to the member's services allowance and nonfinancial allowances that related to the benefits outlined in the member's services allowance orders defined in the Members' Services Committee orders.

The above expenses will be reported on a bimonthly basis by the Legislative Assembly Office beginning October 1, 2012.

The above expenses will be posted online by the Legislative Assembly Office within 10 business days past the first day of the month.

Information which would normally be withheld under the Freedom of Information and Protection of Privacy Act such as personal information must be redacted from supporting documentation and will not be publicly disclosed. For example, if a

meeting was held with an individual not affiliated with an organization, then the terms "stakeholder" or "constituent" could be used.

That is the end of that motion.

You will also recall that when we adjourned on October 19, we had Ms Smith next to speak and Mrs. Forsyth to follow thereafter. Those were the only two left on the agenda, and that's reflected in the *Hansard* for that day.

So we'll pick up right where we left off, then. Mr. Young.

Mr. Young: I'm just wanting you to put me on the list.

The Chair: Okay. We'll go to Ms Smith, Mrs. Forsyth, followed by Mr. Young.

Ms Smith: Thank you, Mr. Chair. I don't remember the points I was going to make from a couple of weeks ago, so let me make a bunch of new ones. We're generally supportive of this motion. I can tell you, having had lots of discussion about it at caucus, that our MLAs would look forward to not having the additional administrative burden put on our Leg. assistants or our constituency assistants as the case may be.

8:40

The only question that I did have for Mr. Young was whether or not he was interested in going that extra step. I got the impression from the discussion – and I've read in the media. This is why I'm seeking some clarification about whether or not you would also want to have high-level expense disclosure of our constituency office budgets as well as the caucus legislative budgets. I've posted both of those in Excel format on the website based on, essentially, the categories that the Legislative Assembly Office has provided for us. I was expecting that you were going to go with that additional amount of disclosure, but maybe you can clarify if that was your intention.

The Chair: If you wouldn't mind just clarifying that point. You're on the speaking list later for other points. Go ahead, Mr. Young.

Mr. Young: Well, the intent of this was – we had the benefit of the LAO presenting – that we already have very extensive reporting and disclosure through the LAO and a lot of accountability. The intent of this disclosure is to reflect the spirit of what the government has done in terms of disclosing those areas specifically around hosting, travel, accommodations, those types of things. There are already very onerous measures and checks and balances. I'm sure that you've realized that in terms of your own constituency office. But the reassurance on the public side that areas in terms of hosting and travel, those that are certainly more contentious – and the government has certainly been a leader in that area. I just think that being more proactive in those areas would certainly benefit public confidence.

The Chair: Thank you.

Ms Smith, are you done for now?

Ms Smith: Yeah. Well, I gather, then, that we won't be talking about doing the broader reporting of constituency budgets and legislative caucus budgets from this motion.

Mr. Young: There is already reporting on a different schedule, and I'll get to it when I have the chance to speak. On a more annualized basis those are all reported, but this is specific. This motion is specific to those four areas, to align with the spirit of what the government is doing. There are certainly some

differences, clearly, as I articulated just previously, but the intent is just around those four areas.

Ms Smith: That's great. I can say, then, on behalf of my caucus and the discussions that we've had that they'd be supportive of the motion.

Thank you, Mr. Chair.

The Chair: Mrs. Forsyth, followed by Mr. Young, followed by Dr. Sherman.

Mrs. Forsyth: Thank you, Mr. Chair. Just to follow up with what the leader has said, we obviously support what Mr. Young is bringing forward. I know that it's all – the LAO does that reporting mechanism for us every month, if I'm correct, and we get our constituency reporting sheet. So it will be nice that the LAO is going to be able to do that instead of our constituency offices because I think there was a bit of a panic, you know, for extra work for the constituency office to do that.

Following up my comment, though, in regard to what Ms Smith has said, again, that it goes to the caucus expense, we would like to see that. So I'm prepared to stand back and see what Mr. Young has to say. And if what Ms Smith has recommended – we will prepare a motion after we hear what you have to say.

The Chair: Okay. Thank you.

Mr. Mason, did you wish to introduce yourself quickly for the record?

Mr. Mason: I'm Mr. Mason for the record.

The Chair: Thank you.

Mr. Young, followed by Dr. Sherman.

Mr. Young: Thank you. At the end of the last meeting this was introduced, and we've had some time to look at it in detail. I'm glad that each of our caucuses has been able to digest all of the contents of it. Clearly, the big player here is the LAO, so I took the opportunity to sit down with them and go through this in detail, and there were a couple of items that were highlighted. The spirit of it was changed, so what I'm proposing to do – and there's nothing substantive, but some details that are important that we amended. What I would like to do is remove this and put in an amended one that was basically the product of my conversations with the LAO.

I'll give you an example. In the original motion it said it had to align with the Freedom of Information and Protection of Privacy Act. Well, the LAO budgets are exempt from that act, so we want to just reflect the spirit of it and the principles contained within it in terms of protection of privacy, but the act itself actually doesn't align.

There are other things. The one other major point is that we wanted to do it quarterly to align with their reporting cycle and also to start January 1 in order for them to set up all the onerous scanning and redacting processes.

The other point it would allow – and I think it's for each member to ensure accuracy, and I think doing this right is better than doing it quickly; I mean, we're not going to wait, but we will need to do it – is that it would provide the LAO to say: here's the report. You can review that report, then it gets scanned and put online, so you avoid all that opportunity for the "yeah, buts."

The Chair: Okay. I'm sorry to just interject here, but did I hear you say that you were going to pull back the original or rescind or whatever the word might be?

Mr. Young: Yeah. In my understanding I need unanimous consent to remove the previous one, and I have copies of the amended one. We could go through the minutiae of each amendment, but I think it would be more . . .

The Chair: Just a moment, hon. member. So what you're doing, really, is that you're about to provide two motions, one to rescind the previous one, and then you're going to put a brand new motion on the floor.

Mr. Young: Right.

The Chair: Which happens to be an altered version.

Mr. Young: It's essentially the same but with a couple of changes.

The Chair: Yeah. I understand.
Just on a point of clarification, Mrs. Forsyth.

Mrs. Forsyth: Well, if I may, Mr. Chair, it's difficult for us to give you unanimous support on rescinding a motion if we don't have the motion in front of us to do some comparison. So before we vote on rescinding this motion, I would like to see his motion so that we have a bit of time to look at it if I may, please.

The Chair: Yeah. I just wanted to be sure that everybody understands what the process will be. Hon. member, you're welcome to circulate your new motion with the understanding that the process involves rescinding the original motion, which we're actually discussing right now. Then you want to bring this one forward, right?

Mr. Young: I think there's some direction from Parliamentary Counsel. Otherwise, I'll be in a strange situation of voting down my own motion to introduce a new one.

The Chair: Yeah. Parliamentary Counsel has advised that it's actually a requirement to get unanimous consent to withdraw the first motion because it hasn't yet passed. Is that correct, Parliamentary Counsel?

Mr. Reynolds: Yes, Mr. Chair. You need unanimous consent to withdraw the motion. You would need unanimous consent to rescind if it had passed. This motion hasn't passed, so it's unanimous consent to withdraw.

The Chair: Yes, of course. Thank you.

If I could just have everybody's attention, I want to make sure that I have this right procedurally, in accordance with parliamentary law here, that the motion that's on the floor right now would need to be withdrawn with unanimous consent. If there isn't unanimous consent, then we would have to conclude the discussion on the motion that's on the floor, vote it one way or the other. That's the next step is what my logic suggests.

In preparation for that and in honour of Mrs. Forsyth's point I'm asking you to please circulate the new motion so that members can have a peek at that as well.

Can you circulate the new motion that Mr. Young is about to present? We'll just give people a moment to receive that.

Hon. members, you have now received a copy of what is called Revised Motion Re: MLA Expense Disclosure Policy for consideration today after we deal with the original motion that is on the floor.

Mr. Young, have you completed your comments yet? If you have, then you'll have to ask for unanimous consent to withdraw.

Ms Smith: Do you think Mr. Young could go through and just point out the exact points where it's different? That might help speed things along.

The Chair: Sure. I think he had started down that path before we got caught up in the procedures, so could you please take us through this?

Mr. Young: Sure. Having the benefit of a meeting with the LAO in terms of making sure this makes sense in that it doesn't handcuff the process there, we just identified the orders in part (a). If you look at subsection (b), it says, "The information disclosed must include both financial and nonfinancial aspects of claims made pursuant to the orders identified in part (a)." Okay. Then this is all consistent. "Information disclosed publicly by the Legislative Assembly Office pursuant to this policy must include the following." These are all the same.

8:50

Expenses incurred. Now, this is a change, and it was basically to allow implementation of this and, like I said, to do it correctly rather than simply quickly because there are 87 constituencies. It's quite onerous, as we all can appreciate, implementing scanning, and the redacting is not a small thing either for 87 constituencies. The discussion was that "expenses incurred starting January 1 . . . and thereafter will be disclosed by the Legislative Assembly Office 30 days after the conclusion of each quarter."

The reason for the 30 days is to allow for all the scanning to happen. Each MLA would be presented what their expenses were because there's always the odd error or omission or something. They would sign off on that or at least have that opportunity. It would be posted online in full view of the public. The quarterly reporting is more consistent with the financial reporting cycle of the Legislative Assembly Office, and it would be publicly accessed on the website hosted by the LAO. When we started to think about this, to have each of our 61 constituency offices do this, it was just over the top, so the idea of working with the LAO to make this right certainly made sense.

The other significant change was that

information must be redacted from supporting documentation and not be publicly disclosed consistent with the requirements of the Freedom of Information and Protection of Privacy Act; for example, if a meeting was held with an individual not affiliated with an organization, then the term "stakeholder" or "constituent" could be used.

The Chair: Hon. member, I don't want to put words into or take words out of anyone's mouth, but one significant change is to go to quarterly reporting. Another significant change is that this would all start as of January 1 . . .

Mr. Young: Correct.

The Chair: . . . which would give LAO and others time to prepare for it because I expect probably we'll have to hire additional staff. Who knows? Thirdly, the first reporting would be April of 2013. Those are three significant alterations, shall we call them?

Mr. Young: Yeah. I just want to reflect that the 30-day period was to allow for the members to take a look at their own expenses across the board before they get posted.

The Chair: Okay. So we have that.

Now, I have Dr. Sherman next on my list. Did you want to talk to the new, proposed thing before we get it on the table – it's a

little bit out of order and out of whack – or did you want to go back to the original motion? Where were you going?

Dr. Sherman: Well, I'd just like to ask a question to the hon. Member for Edmonton-Riverview. Mr. Speaker, as we know, you operate a very tight ship here. You have professionals here, and you keep an eye on all expenses from MLA expenses: hosting expenses, caucus expenses, and constituency expenses. A lot of this whole issue all arose from hosting expenses of an AHS personnel. They're government hosting expenses.

Now, we are an all-party legislative committee, not a government committee. My question to the member is: of those three areas – I do support the spirit of reporting everything publicly – why cherry-pick just the one thing? Why not all constituency and all caucus expenses? I say that if we're going to have this discussion, let's have the broadest, most open information. Let's put all the information out there because I believe, Mr. Chair, you and your staff do an amazing job, and we should not cherry-pick just one. We should put all of it on the web. Why just the one?

The Chair: That's to Mr. Young, I assume.

Dr. Sherman: Yes.

Mr. Young: Thank you very much for the question. As you said, the financial disclosure reporting and requirements either on limits or budgets is not the same situation as the government has, you know, in terms of what you can spend it on, what you can expense, how many times, how many trips. All that stuff has been prescribed into a framework. Where they have been very proactive is in terms of the receipts associated with those four areas.

I would actually say that we have a very tight framework in terms of what we could expense in our budgets. This is simply in that area of the positive disclosure of expenses in terms of receipts. That is where it is different, and to be aligned with where the government is going is the reason for this. That's the focus. It's not what we're not doing; it's what we are doing. It's a proactive advancement of our expenses and what we're spending things on in each constituency.

Thank you for your support.

The Chair: I have Mrs. Forsyth next.

Mrs. Forsyth: Thank you, Mr. Chair. I guess I have a little bit of confusion, so I'm just going to ask Mr. Young again. I understand there are three new things in the motion that you've put on the floor. That's the quarterly reporting, the day going to January 1, the first report April 2013. Where I'm a little confused – and maybe I can just get some clarification – is on number (e), which is on the FOIP act. Because it's a large piece of legislation, I just need to understand. I don't see the FOIP act on the old amendment, or do I?

The (e) is the same as the last paragraph on the old one I guess is what I'm trying to figure out.

Mr. Young: More or less, yeah.

The Chair: Do you want him to comment on that?

Mrs. Forsyth: Yeah.

Mr. Young: The intent of this – and I had the benefit of the LAO and some legal counsel in terms of how to frame it – is to disclose information in terms of our spending, not to disclose personal information on individuals, on credit cards, these types of personal

information, which I think we all respect. We still want to have that full disclosure but not at any individual's expense.

Mrs. Forsyth: I'm just trying to understand where the difference is on the original motion because at the end it talks about stakeholders or constituents, and then under FOIP it's very similar in regard to stakeholders or constituents. I'm trying to determine where the difference is from the original motion to the new motion.

The Chair: I'm going to ask Parliamentary Counsel here to comment if he would, but I also want to make a note here, mentally and otherwise, that this wording has gone through Parliamentary Counsel scrutiny. Is that correct?

Mr. Young: Yeah. We've had the benefit of their expertise in terms of the spirit of it.

The Chair: I'm seeing this for the first time this morning, so I want to make sure that we're onside with our laws and traditions and parliamentary language and all the acts that impact or don't.

Mr. Young: I fully invite us to ask our learned friend to give us some insights.

The Chair: I wonder, Mr. Reynolds, are you prepared to give us a quick clarification to what Mrs. Forsyth has just asked? As you're thinking about that, I'm just going to ask her to rephrase the question one more time because we've got a lot of paper going on here.

Do you want to just ask your clarification point again, please, Heather?

Mrs. Forsyth: Am I asking Rob?

The Chair: Yes.

Mrs. Forsyth: Okay. I guess, Rob, all I need to know is: the motion that was originally put before Members' Services talks about FOIP and what can be withheld regarding constituents and stakeholders. If you go to the new motion that Mr. Young has proposed, number (e), is it the same motion, just worded a little differently? I guess that is what I'm trying to find out, so it's more like what Parliamentary Counsel proposed.

The Chair: Okay. Mr. Reynolds?

Mr. Reynolds: Well, thank you very much. Let me preface this by saying that Mr. Ellis can support or comment on what I say if he so wishes because we were working on it together. I think what is in the new proposed motion does not differ in substance from what was in the older motion.

Just a few points I want to make. One, members' offices are not, strictly speaking, covered by the Freedom of Information and Protection of Privacy Act, okay? The attempt was to ensure that personal information was not released. Personal information is referred to, I believe, in the Treasury Board directive as being exempt, that it shouldn't be released. We're just trying to capture the spirit of that without going through every instance where personal information would appear. By personal information we mean credit card numbers, you know, someone's address, things that are personally identifying that would certainly violate the FOIP Act if we were covered by it. That is the intent of the paragraph. It's slightly rewritten, but I do not believe that the intent has changed.

9:00

The Chair: Okay. Thank you.

Mrs. Forsyth: If I may, we can accept what Mr. Reynolds has proposed.

The Chair: No, no. Mr. Young.

Mrs. Forsyth: Mr. Young. Sorry. What Mr. Reynolds has said.

If I may, Mr. Chair, I just need to get some clarification, then. So if we need to vote on the original memo unanimously . . .

The Chair: Well, he'll ask for a withdrawal, and it will require unanimous consent.

Mrs. Forsyth: Then we will vote on Mr. Young's second proposed motion.

The Chair: After he has moved it. Yes.

Mrs. Forsyth: Then when can we add a further motion if we want to provide a motion on this one?

The Chair: My answer would be: during the debate on the new motion that would be forthcoming if you wish to have an amendment, for example, or when it's concluded if you want to add another motion. That's up to you.

Mrs. Forsyth: We just want to make sure that it's covered.

The Chair: Okay. Before we approach the withdrawal of the original motion, Mrs. Jablonski has a comment.

Mrs. Jablonski: Thank you very much, Mr. Chair. Just a clarification on what Mrs. Forsyth has asked for. I'm just wondering if it would be much clearer if we just voted on the first two motions, and then if you want to make another motion, make that other motion rather than adding it to this motion.

Mrs. Forsyth: Not if we're amending his motion.

The Chair: Let's get the motion on the floor. Before we can get the motion on the floor, we have to seek unanimous consent to withdraw the first one. I've allowed enough discussion, I think, so that people are clear enough with what the intent is, as Parliamentary Counsel has commented. So with that, then, I think we're ready for you to seek unanimous consent to withdraw the original motion regarding MLA expense disclosure, which you first provided on October 19.

Mr. Young: I respectfully request unanimous consent to withdraw my previous motion.

The Chair: Everyone has heard the request from the mover of the original motion. That requires unanimous consent. Is there anyone who disagrees with unanimous consent being given?

You have unanimous consent. That motion from October 19 regarding MLA expense disclosure is now officially withdrawn.

Now, do you have a proposal for a new motion?

Mr. Young: Thank you, Mr. Chair. I have a new motion. It's been circulated already, and I will read it. It's a revised motion regarding MLA expense disclosure policy, November 6, 2012.

Be it resolved that the Standing Committee on Members' Services adopt the following policy on MLA expenses reporting and disclosure:

(a) Expenses related to accommodation, meals, hosting, and

travel as authorized by the member's allowances order, the constituency services order, and the transportation order and approved for reimbursement by the Legislative Assembly Office be disclosed.

- (b) The information disclosed must include both financial and nonfinancial aspects of claims made pursuant to the orders identified in part (a).
- (c) Information disclosed publicly by the Legislative Assembly Office pursuant to this policy must include the following:
 - name and position of individual who incurred the expense;
 - date of transaction;
 - transaction amount;
 - expense category (travel, including transportation, accommodation, meals and incidentals, and hospitality);
 - description and rationale for meals and hosting; and
 - supporting documentation, including receipts, when applicable.
- (d) Expenses incurred on January 1, 2013, and thereafter will be disclosed by the Legislative Assembly Office 30 days after the conclusion of each quarter in the fiscal year, starting April 30, 2013, on the publicly accessible website hosted by the Legislative Assembly Office.
- (e) Information must be redacted from supporting documentation and not be publicly disclosed consistent with the requirements of the Freedom of Information and Protection of Privacy Act; for example, if a meeting was held with an individual not affiliated with an organization, then the terms "stakeholder" or "constituent" could be used.

The Chair: Thank you. We have the motion as circulated and also read by Mr. Young. Are there any speakers to this motion?

Mr. Mason: Just a question, if I could, Mr. Chair, to Mr. Young. In the example included at the very end you talk about a meeting held with an individual not affiliated with an organization. Instead of putting their name down, you would put "constituent." Okay. Now, if they were affiliated with an organization, is there an obligation implied by that to put the name of the organization down?

Mr. Young: I think you identify who you met with but not individuals, in alignment with the information and protection of privacy act.

Mr. Mason: Yeah. I think we need clarification on this because it implies that if it's an organization, you have to publicly disclose the organization you met with.

Mr. Young: Sorry. If I may, a stakeholder would certainly be included as an organization.

The Chair: Can we get some clarification from Parliamentary Counsel on Mr. Mason's question?

Would you mind asking it again, Mr. Mason, just to be sure that Parliamentary Counsel has full attention on it?

Mr. Mason: The question, based on what I'm inferring from this example at the very end, is: if you are meeting with someone who is affiliated with an organization, are you required to record the name of the organization you met with?

Mr. Ellis: If it relates to a constituency office expense, the primary rationale that we use for hosting expenses in the member's services allowance is that you are communicating with

a constituent or regarding a matter within the constituency. In this particular case I believe Mr. Young's intent is that if you are meeting with a constituent, just put "constituent," and if you are meeting with an organization, put "organization." I'm maybe putting some words in his mouth, but that's what I would take.

Mr. Young: Yeah, exactly.

Mr. Mason: There's no requirement to list the names of organizations. You just say: I met with an oil company.

Mr. Young: Or I met with an organization.

The Chair: Are we clear on that, then? Okay. Thank you.

Are there any other speakers to this motion? Are there any other people who wish to speak?

Dr. Sherman: I like the intent of the motion. I would like to go further with the motion: reporting all MLA, all constituency, and all caucus expenses. Mr. Speaker, I would like to make an amendment to the motion. At what point can I make an amendment to this motion?

The Chair: Now if you wish.

Dr. Sherman: In that case, I would like to amend the motion to read: be it resolved that the Legislative Assembly Office post on its website the quarterly expense reports of all MLAs, caucuses, and constituency offices operating under its auspices. So I'd like to take out the first two lines of the motion.

The Chair: Take out the first two lines and replace them with what you just read?

Dr. Sherman: Yeah.

The Chair: Do you have it written out, by any chance?

Dr. Sherman: You know, I don't have it written out.

The Chair: Do you want to try it again, then?

Dr. Sherman: Or perhaps we can just simplify it. Be it resolved that the Legislative Assembly Office post on its website quarterly expense reports of all MLAs, caucuses, and constituency offices operating under its auspices as of January 1, 2013. Maybe somebody could give me some help with the wording here.

The Chair: Just give us a moment, and we'll try and sort this out. I see Parliamentary Counsel is over talking to Dr. Sherman. I think the intent is probably to amend section (c), but I'm not sure. Let's just see what the end of the discussion might be.

I wonder if I could come back to Dr. Sherman. I've got a couple of other people who wish to speak, and we'll just let Parliamentary Counsel work with Dr. Sherman. Is that acceptable? Agreed?

9:10

An Hon. Member: Agreed. Let's move on.

The Chair: Okay. We'll get some other comments on the floor while they work on the amendment that Dr. Sherman wishes to provide.

Okay. Mr. Young.

Mr. Young: I don't have an opinion on the amendment.

The Chair: We don't have it formally yet.

Mr. Young: Perhaps you can benefit from the same conversation I had with the LAO in terms of how to implement that. I don't think that what you're suggesting precludes what we're doing here today. So perhaps we can move forward stepwise, if you're agreed, and then consider your motion in a subsequent step.

The Chair: What you're proposing is that we discuss, conclude, and vote on this motion as you presented it and that if there are other thoughts and so on, they could come forward in the form of a brand new motion or an amendment to this one after the fact.

Mr. Young: Yeah. Like I said, I really found it quite – because we're asking the LAO to do a lot of work and they have a lot of processes, just having side conversations during this meeting I don't think does service to what the intent is.

The Chair: Understood.

I have Ms Calahasen, followed by Ms Smith.

Ms Calahasen: Well, the LAO provided us with real good information last meeting, talking about the processes that are available, talking about what they can do and what they can provide for help. They've been absolutely stellar in terms of being able to take us to account in every instance. I just feel that we have to be able to look at what they have provided us for advice and then move on.

The Chair: Thank you.

Ms Smith: I support what Dr. Sherman is aiming to do, but there are some complexities that I think he would have to work through with the office; for instance, the issue of salaries and how we would deal with the disclosure of a line item for salaries in the event you only have one office member. If you're exposing your constituency office and you only have one office member and you have a line item for salaries, everybody knows what your office member is making. Not that I'm opposed to having some kind of consolidated statement for constituency office and some kind of consolidated statement for legislative office, but I do think it will require Dr. Sherman to work with the LAO to try to figure out how we walk through some of those complexities.

So I'd be prepared to support Mr. Young's motion today and then have Dr. Sherman return at some future point with a much greater statement of disclosure, having worked through those issues.

The Chair: Thank you. I can tell you from several years of discussions with people like Scott Ellis and others that these matters take hours, not minutes, to get straight, to get clear, to get into parliamentary language, to make sure we're not offending any of a variety of acts, not just the obvious ones. Thank you for that, Ms Smith.

I have Mrs. Forsyth, followed by Dr. Sherman.

Mrs. Forsyth: Well, I just want to follow up with what Ms Smith has said in regard to the motion. If we go back in time, the motion that was originally put on the table, that we have withdrawn unanimously, was something that Mr. Young brought forward. He's since then brought forward a revised motion that he is asking us to vote on.

What I want to make sure of is that we don't lose the intent of what Dr. Sherman is bringing forward and that we can have another meeting so that he can have the opportunity, the same as Mr. Young did, to work with the Leg. office and bring that revised motion back. We are quite prepared to vote on Mr. Young's

motion that he has in front of us as long as it's on the record and we have the opportunity in the next couple of weeks for Dr. Sherman to work with Mr. Ellis and Cheryl on a revised motion.

The Chair: That's a very good suggestion.

I wonder, Dr. Sherman, since you're the next speaker, if you would speak specifically to Mrs. Forsyth's recommendation.

Dr. Sherman: Thank you, Mr. Speaker. In light of hearing the conversation from other members, I'm prepared to withdraw the amendment and work with Parliamentary Counsel. I've been advised by Parliamentary Counsel, so I'm prepared to withdraw the current amendment.

The Chair: Thank you for that. When you say Parliamentary Counsel, it will automatically probably include LAO experts such as Scott Ellis and, if necessary, Cheryl Scarlett and whomever else you might want to bring in. I don't know. It is a very large, large area, I can assure you.

All right. So thank you for that, Mrs. Forsyth and Dr. Sherman.

Are there any other speakers to the main motion that has been circulated by Mr. Young? None.

Are you ready for the question?

Hon. Members: Question.

The Chair: Those in favour of the circulated motion provided by Mr. Young this morning, please say aye. If there are any opposed, please say no. That is carried unanimously. Thank you very, very much.

We will move on to item 4(b). Item 4(b) pertains to a motion that goes back to June 7, 2012, at which time Mary Anne Jablonski brought forward a motion regarding the remuneration review mechanism. This is what I refer to as an outstanding item. In other words, we haven't yet dealt with it. It was discussed briefly back in June.

I see something being circulated. I don't know what it is, but something is coming out. Pages, you're circulating something which we have no knowledge of. From whom did you get what? This is from Cheryl Scarlett?

Dr. McNeil: From me.

The Chair: Oh, this is from David McNeil, our Clerk. It's entitled MLA Remuneration Review Mechanisms: Cross Jurisdiction Survey (Canada), November 2012. That is being circulated now.

As it finishes being circulated, I'll just comment very quickly that on June 7, 2012, Mrs. Jablonski moved that recommendation 15 in Justice Major's report regarding who should review MLA compensation and how often compensation should be reviewed be brought back to the Members' Services Committee for further consideration. That's what we're doing now.

Let me pass this over to Dr. McNeil, and he will introduce it, I assume.

Dr. McNeil: Well, yeah, there are two items of information, one that was put up on the website last week, which dealt with the issue of judges being appointed to these compensation review commissions, and Rob Reynolds can speak to that. This other piece of information is just something that we gathered to give you background information as to what happens in other jurisdictions. That's the purpose of the document that was circulated today.

I'll defer to Rob because the issue arising from Justice Major's report was his recommendation that three superior court judges be appointed to review member compensation, I think it was after every election. Rob, can you elaborate on the document that was circulated previously?

Mr. Reynolds: I'll just be brief, Mr. Speaker. There was a briefing note posted on the website entitled Follow-up – Issue Arising from “Review of Compensation of Members of the Legislative Assembly of Alberta.” As David said, it deals with Justice Major's recommendation that

every four years the Chief Justice of the Queen's Bench of Alberta (or his or her designate) should be appointed chair of a committee of three members to review MLA compensation. The two other members of the committee should be judges of the same court.

When Mrs. Jablonski raised or discussed this issue, I believe in June, it was mentioned that if you want to go this way, there would have to be some change in legislation. In order to appoint a judge to such a commission, it has to be authorized by legislation, which is clearly something this committee can't do. It would have to be done by the Legislature. Either it has to be done by legislation or an order in council, which is usually done pursuant to an act.

The point is that if that's what the committee wants, or if the committee believes that a judge should chair such a panel, the committee would have to make a recommendation back to the Assembly for legislative change. On the other hand, if you don't accept this recommendation, you could propose a new scheme or just say that you don't agree with the recommendation.

Now, Cheryl or David can speak to the document that was handed out today about remuneration review mechanisms. I stand to be corrected, but I do not believe that there's another one in Canada that has a judge specifically designated.

In any event, Mr. Speaker, that's all I've got.

9:20

The Chair: Okay. Cheryl, did you want to comment since you were referenced?

Mrs. Scarlett: Yeah. Just adding to Mr. Reynolds' point, the other documentation in terms of the crossjurisdictional survey just takes and supports and provides information in terms of what jurisdictions do. I agree with Mr. Reynolds in terms of there being no other jurisdiction that has a panel of three sitting justices to review.

The Chair: Okay. Thank you.

You have in front of you the document that was just circulated this morning, and then there was reference made to something that had been put on the website earlier. I don't recall the exact date it was put there, but it's titled Follow-up – Issue Arising from “Review of Compensation of Members of the Legislative Assembly of Alberta” by Hon. J.C. Major. It's essentially a recap of recommendation 15 with some points for consideration. You have that as well from previous meetings or from having printed it off from the website.

I don't have any other motion here to consider yet. Is there one forthcoming, Mrs. Jablonski?

Mrs. Jablonski: Yes. I have a motion, and I'd like to put that motion forward. It is directly from John Major's report, and it relates to recommendation 15. I would like to move that the members' allowances order be amended by adding a section 11 to read as follows: Every four years the Chief Justice of the Queen's Bench of Alberta (or his or her designate) shall be requested to chair an independent review committee of three members to review MLA compensation. The Speaker shall initiate the review process on behalf of the Members' Services Committee, with the first such review process commencing on or after May 1, 2016.

The Chair: Do you have this written out so that we can photocopy it and circulate it or whatever?

Mrs. Jablonski: Yes, Mr. Speaker, I had it written out. But after listening to some of the conversation . . .

The Chair: Yeah. Parliamentary Counsel, did you wish to comment?

Mr. Reynolds: Mr. Speaker, I wasn't clear about the beginning of the motion. It seemed to be an amendment to an order. As I think I indicated in the briefing note – and perhaps I wasn't clear enough – the Members' Services Committee cannot compel a judge to sit to do something that can only be done by legislation or by an order in council. What this committee could do would be to recommend to the Assembly that there be legislation to appoint a judge, but the committee cannot of its own volition do that, or if you did, there would be no requirement for a judge to follow that because under the protocols of the Canadian Judicial Council judges are only appointed pursuant to legislation or an order in council.

The Chair: Okay. Just a moment. So the thrust of what I think I'm hearing you say is that a motion such as that could only be a recommendation for some action to be taken or reviewed or considered. Is that right, Parliamentary Counsel?

Mr. Reynolds: Yes.

The Chair: Okay. Thank you.

Mr. Reynolds: As I understand it, Mrs. Jablonski was recommending that a judge be appointed. That can only be a recommendation to incorporate something in legislation.

The Chair: Right, because we don't have the power to compel justices to do that work.

Mr. Reynolds: Yes, sir.

Ms Smith: I wonder if Mrs. Jablonski can explain, maybe on behalf of the government. I'm certain you've discussed it in caucus. Now, I'm not a lawyer, and I'm not a judge, but it seems to me that a lawyer and a judge don't necessarily have any particular expertise or talent in executive compensation, so I'm not quite sure why the government thinks that a judge needs to lead this compensation review. It would seem to me that an executive search team may form a committee, such as proposed I think it was by the Liberals in a private member's bill, that's comprised of a group of people from the private sector.

I'm not quite sure why a judge is seen to be the person who ought to lay this, especially if it creates all of these complications that we can't actually make a decision here, and then we're compelling judges to do things. It just makes me a bit uncomfortable, especially since I don't see any particular reason why it needs to be a judge. Why don't we just assemble the committee in a way that we have the legal ability to do in this committee and also ensuring that we've got the right experts on it?

The Chair: I have Mrs. Jablonski, followed by Dr. Sherman on that point, and then we go to the speaking order, which is Mrs. Forsyth and Mr. Mason.

So this is a direct answer, Mary Anne, to what Ms Smith has just asked.

Mrs. Jablonski: Correct. There's a very simple answer to that, and it is because I was following the recommendation of the Hon. John Major in his report. Seeing as we contracted him to do this

kind of a job for us, I just respected that recommendation. I think there should be a review, and I didn't consider anything beyond what he recommended.

The Chair: Okay. Thank you for being brief.

Dr. Sherman, briefly, and then Mr. Mason, briefly, on this question that Danielle Smith has asked.

Dr. Sherman: Thank you, Mr. Chair. On this question, as you know, there are many recommendations of Justice Major that we haven't followed. I've said from the outset that it's the process we need to debate so that we don't have to debate our salaries ever again.

In fact, in 1994 there was a private member's bill put by Muriel Abdurahman before the Legislative Assembly, Bill 214, that set forward an independent process. It's about having an independent commission with representatives of professions, small business, labour, oil and gas, the petrochemical industry, and the general public, a truly independent process that reports to the Legislative Assembly, where we MLAs don't become embroiled on what we should get paid and we never have to deal with this ever again. I feel this is what we need to put forward.

Now, I have copies of this bill. With your permission, Mr. Speaker, I would like to circulate it to all members of this committee. I believe this is what I would like to discuss.

The Chair: Okay. Just a moment. I have Mr. Mason, quickly, and then Mr. Dorward on this point that Danielle Smith has asked, and then I've got to get back to the speaking order because we're getting beyond just answering what Ms Smith has asked.

Mr. Mason, please.

Mr. Mason: Thanks, Mr. Chairman. Directly on the point, the reason why you go to a judge is because they are the least likely to have any sort of bias. If you will, they're professionally unbiased people. That's very much part of the training and the expectation and the culture of the judiciary. If the committee appoints somebody, a group of so-called experts to look at the matter, then it's really going to be the people selected by the government caucus. I mean, that's the reality of it. If we go to a judge, and it's there every time, it's in the Standing Orders, then that person can get the technical help that he or she might need. But I think if you don't go with a judge, you risk simply repoliticizing the process, albeit at arm's length, but it will still be an extension of what the government caucus wants.

Mr. Dorward: Very briefly, to support what Mr. Mason just said, this is what Justice Major said.

The Queen's Bench of Alberta, the superior trial court of the Province, is a federally appointed court . . . and is compensated by the Federal Government. That court is therefore independent from the Government of Alberta, and as its members reside in various judicial districts throughout Alberta, it offers a province-wide perspective on the assignment."

The Chair: Ms Smith to wrap up this point, and then back to the speaking order.

Ms Smith: Well, I would note that in Bill 214, that was introduced in 1994, it does contemplate having one judge. But I still don't quite see the need to have three judges. That seems like an awful lot. In any case, I might just say that since we don't have the ability to make this decision here anyway . . .

Mrs. Jablonski: That's not what I said in the motion.

Ms Smith: Okay. But since we don't have the ability to make the decision about whether there's one judge or three judges, it would seem to me that the motion needs to be reworded.

The Chair: If I heard Parliamentary Counsel correctly, we at this committee don't have the ability to compel judges to do something because it might require changes to an act or to some statute or whatever. So that would be the power of the Assembly as opposed to the power of this committee. This committee could only make a recommendation to that effect.

Mrs. Jablonski, let me allow you to quickly clarify but very briefly. Then I've got to get back to the speaking order, and we'll move on.

9:30

Mrs. Jablonski: Okay. So am I rewording this motion, then?

The Chair: No. You're just commenting on what Ms Smith just said. You wanted to quickly clarify something.

Mrs. Jablonski: Yes. I wanted to clarify that I would remove the part of the recommendation that said, "The two other members of the committee should be judges of the same court" to insert "an independent review committee of three members."

The Chair: Okay. Thank you.

Now let's go back to the speaking order.

Mrs. Forsyth: Well, I guess I hate to say this, you know – I know this is the public record – but now I'm very confused because of the fact that we have heard from Parliamentary Counsel about what we can and cannot do in this committee. We can't make a recommendation that every four years the Chief Justice of the Court of Queen's Bench of Alberta should appoint a committee. It has been made very clear to us that we can recommend to the Assembly by legislation.

I want to go back to where we originally were when we had the last meeting. In the last meeting we talked about the fact that there was a motion on the table by the government in regard to MLA compensation, and it was recommended that it be debated in the Legislature. We haven't even discussed what is going on with that recommendation if all of a sudden we're just going to throw that recommendation out and talk about the fact that we're not going to debate it in the Legislature.

So now we're back to new recommendations on the floor from the government in regard to the four years of the Chief Justice and a recommendation on our MLA salaries yet again. I just need to get some clarification. Quite frankly, there have been so many things thrown at us. The Official Opposition's role is to make sure that we understand the process and that we understand the recommendations before us so that we can provide comments on behalf of Albertans. Quite frankly, right now what has been thrown at us in recommendation 15, that we got late last night – I'm assuming Mrs. Jablonski would put a recommendation on the floor that can be done, and now it can't be done. It's very confusing.

The Chair: Let's be clear. The item that's on the table before us deals with MLA compensation review mechanisms. Our role here can and ought to be to make a recommendation if we're impacting judges, which is not our right to do. We can only make a recommendation for the Assembly to consider it.

Parliamentary Counsel, can you clarify further, please?

Mr. Reynolds: No. That's it, Mr. Chair. You can make a recommendation – you certainly can – about the judges. You just can't implement something about a judge in the committee. You have to make a recommendation to the Assembly. That's it.

The Chair: Only the Assembly has the power to do that.

Mr. Reynolds: Yeah.

The Chair: Right.

Now, on your second point, Heather, the issue of RRSP payments or departure allowance or whatever, that's the next motion. That's coming up once we get through this.

I don't know if we yet have a printed-out version, Mrs. Jablonski, of what you're trying to recommend. Has that been vetted past Parliamentary Counsel for wording and so on and making sure it's onside and so on?

Mrs. Jablonski: Mr. Chair, in order to implement the information and the wisdom that we've heard at this meeting just now, I do have to change the wording of my motion, and I would ask that I defer that.

The Chair: Okay. Let's just do this. Parliamentary Counsel has arrived at your table. Why don't you have a little chat there while I go back to my speaking list?

Ms Smith: My understanding is that you asked for motions to be circulated a day in advance so that they could be worked out with Parliamentary Counsel. It seems to me that we're doing a lot of trying to patch things together on the fly. We asked for Dr. Sherman to work with Parliamentary Counsel so he could bring back a proper motion. I would suggest that perhaps Mrs. Jablonski needs to do the same thing.

The Chair: And we might get there. Just to be clear, what I had asked is that for any member that has a substantive matter . . .

Ms Smith: This is a substantive matter.

The Chair: Let me just finish the sentence, please. I'm not in the habit of interrupting you folks, so, please.

Let's just be clear, okay? I said that if you have a substantive matter, please give us time so that we can alert others. Now, if the substantive matter has a motion to it, that's another matter, and that's what we're trying to deal with here. It may result that it'll be the same as what we just did with Dr. Sherman. I don't know yet. Let me get through the speaking order because Mr. Mason has been waiting patiently for his turn, and I want to recognize him now.

Mr. Mason: Thank you, Mr. Chairman. I'm not always known for my patience.

Mr. Goudreau: There's always a first time.

Mr. Mason: Yes.

I was going to ask the same thing. Essentially, there are two parts to it. I'd like to see it in writing, but I think Ms Smith has made a good point, and that is that we need some rules in this committee about what can and what can't just sort of come up off the floor. Maybe we can consider that.

Mr. Young: Maybe that's what we're here for.

Mr. Mason: Well, you know, people need time. I mean, one caucus can go and discuss it and work through everything that

they want, and they can get help from Parliamentary Counsel and so on. Then they can just bring it to this committee, and it's a complete surprise to everybody else, and we're expected to vote for it. That's not right.

The Chair: Thank you for that. I've had that same thought myself, actually. I'm trying to follow the tradition that has been set before, and the tradition has always been to never preclude a member from raising something at this table if they wish. It's helpful, obviously, if we have advance notice of exactly what it is, but we don't always get that, nor do we want to prevent some spontaneity from occurring. On some of these matters it does get rather complicated if not convoluted.

Mr. Mason: On some committees I've served on, Mr. Chairman, the member brings it up. There can be a little bit of a preliminary discussion, but then it's voted on at the next meeting. That might be something we could consider.

The Chair: That might be the case, too. I'm just here trying to steer the ship through the waters.

Mr. Dorward: Well, I'm just going to comment that, for gosh sake, we had some advice, we listened to some comments, we listened to some comments, we listened to some comments, we're making a change, and I think that's committee work. Personally, I don't know why anybody would criticize. It's healthy. If we didn't bring back the change to a motion here, I guess we would have tried to just shoot through what we had, you know. That's what committee work is all about, I think.

Mrs. Forsyth: Well, Mr. Chair, I appreciate what the hon. member is saying, but we received an e-mail from your office about bringing forward any substantive motions a day before. In fact, we brought a substantive motion forward that has not even been discussed. At that particular time we then ended up working with Parliamentary Counsel to make sure that the wording in our motion was done correctly. The chair was very clear about a process in place.

We have now got in front of us a motion from Mrs. Jablonski that was not prepared a day before, and it's substantive as far as I'm concerned. We have got on the agenda motions that haven't even been discussed that were prepared in the appropriate order. I would suggest that Mrs. Jablonski pull her motion, bring it back to the table, and work with Parliamentary Counsel, similar to what the instructions to the other members have been.

The Chair: Just to clarify, I think what I said, just to be clear, is the following in a memo to all of you dated October 25. I hope everybody will please listen so that we can clear this up because this is the second time that Mrs. Forsyth has raised it, and I want to correct something there and clarify something there. On October 25 I wrote to all of you, and I said: here are some choices for meeting dates. Then I said: here are what the central purposes of the next meeting of the MSC will be. In item (c) I said:

To deal with any other matters that members may wish to discuss – preferably with at least one full-day's advance notice to the Chair and in turn via the Chair, to all MS Committee Members, if it is a substantive matter.

I did not say motion. I don't mean to nitpick, but there's a huge difference, as we're seeing. It's a substantive matter, we were advised of it, it got circulated to you, and now there's a motion that someone is trying to put forward. It's just two different issues, two different aspects. That is all I'm saying.

Mrs. Forsyth: Mr. Chair, if I may . . .

The Chair: I have Dr. Sherman, and then I'll come back to you.

Dr. Sherman: Mr. Speaker, I think we have a tremendous opportunity here if we work together as a team and park our caucus and partisan hats at the door. I also believe in measuring twice before we cut. These are very important decisions that we're making, and the hon. member Mr. Dorward had the most important word, the word "work." I believe we as a committee all need to work together.

9:40

This MLA pay is such an important issue, and it's actually more important for those who will be MLAs the next time around when this compensation issue comes up. I would like your permission to circulate this bill – it's not for a decision; it's just for information – as to setting MLA pay independently so our future members don't have to undergo this rigorous process that we've gone through. It was a bill by Ms Abdurahman in 1994, Bill 214. It was a private member's bill that was voted down at the time, but it's a basis of discussion of setting our pay independently. I would like your permission to circulate this.

The Chair: It's not a problem as long as it's very clear that what you're about to circulate deals with the issue that we're discussing right now, and that is a review mechanism of MLA compensation, which I think is what you've said that it is.

Dr. Sherman: Absolutely. This is a very substantive matter in that we must take our time to get this right.

The Chair: Okay. Page, if you would kindly circulate Dr. Sherman's notation there, which is, I think, something that goes back to 1994 that Ms Abdurahman, an MLA at the time, had proposed in the form of a bill.

Okay. Back to Mrs. Forsyth, who's next, followed by Mrs. Jablonski.

Mrs. Forsyth: Chair, I'm sorry. I owe you an apology for not giving the right word. I do apologize, and I appreciate the clarification of the wording. No matter what the wording is, matter or motion, I still think it's important that, you know, we abide by the principles of what you indicated in that memo. Quite frankly, we're as busy as members of the government, and we set aside time to make sure that our motion, that both Ms Smith and I will be presenting in regard to MLA compensation coming up, was in front of you. In fact, I sent an e-mail to your office last night asking at that particular time, when we received an e-mail back from your office on two of the items that were going to be discussed, if we could have an opportunity as members of the opposition to be able to review that. Ms Smith and I had some time to discuss it with our caucus.

Matter, motion: I think what Mrs. Jablonski is bringing forward is substantive and needs to be discussed in a timely fashion so that we can take it back to our caucus. Quite frankly, there are motions on the agenda that were done right that we would like to get to also, so time is of the essence. I'll look forward to your comments.

The Chair: Okay. Mrs. Jablonski I have next, and that's all I have for the moment.

Mrs. Jablonski: Thank you, Mr. Chair. Upon hearing all the concerns around the table regarding the legal process of appointing a Chief Justice to chair an independent committee to review the MLA compensation, I think I would like to request that I defer this motion until the next meeting so that we all have time to review the actual motion, which I can provide for all the

members of the committee, and then bring it back for discussion at the next meeting.

The Chair: Basically, the intent of what you're saying is to defer this item to another meeting.

Mrs. Jablonski: That's correct, and that gives everyone a chance to present it to their caucus. I'll make sure that we have a written copy of the proposed motion.

The Chair: Wonderful.

Hon. members, I looked up a lot of the tradition of committees like this, and if you have a motion that you wish to provide, then please provide it to the chair and indicate whether you want it shared with everyone else because until, actually, the motion gets tabled at a meeting like this, it has no status. But as an advisory and bearing in mind what other members have said, as a courtesy to them and to all of us, where possible, let's try and provide the motion in advance for circulation to other members.

Secondly, let's also make sure that we have vetted it past people like Parliamentary Counsel and/or FMAS or Human Services or whomever if it's relevant to their particular portfolio, just so that we get the wording right, because you can see how much time it consumes when we don't quite get the wording in the perfect form. That will still allow for some spontaneity, obviously, to occur here, but that will help, and that will address a lot of the issues.

The motion: you're going to withdraw your attempt to put it forward today?

Mrs. Jablonski: That's correct.

The Chair: Okay.

Mrs. Jablonski: I will provide the proper documentation for all the members prior to the next meeting.

The Chair: Mary Anne Jablonski has asked for unanimous consent to withdraw the motion that she was proposing. Does anyone object to that? You have unanimous consent. It is withdrawn from whatever stage it was at. We can move on. All right. Thank you.

Let's go on to item 4(c). Item 4(c) is the motion made on October 19 by Steve Young regarding RRSP payment and departure allowance. Mr. Young.

Mr. Young: Thank you, Mr. Chairman. As per my notice I appreciate the spot on the agenda, and I have two motions relative to that. I have 25 copies I'd like to circulate first. Basically, my first motion is that I move that the Special Standing Committee on Members' Services rescind the resolution minute No. 12.68 passed at its October 19, 2012, meeting.

I have a follow-up motion after this.

The Chair: You have what?

Mr. Young: Having rescinded, I have a second motion, but I'll wait for this discussion in terms of process.

The Chair: You have a new motion, a replacement motion, as it were?

Mr. Young: Yes.

The Chair: Hon. members, Mr. Young has indicated two things. One, by copy of a motion here dated November 6, 2012, which is being circulated to all of you right now, he wishes this committee

to accept his motion to rescind the resolution that was made on October 19 regarding this matter of MLA RRSP payment and departure allowance, and two, you have a replacement motion if I can call it that.

Mr. Young: Correct.

The Chair: Is it the committee's wish to have that replacement motion circulated to you at this time? If it is, then we can circulate it to you. If not, we'll deal with the first written motion and then come to your second motion.

Ms Smith: I think not, because if I heard Parliamentary Counsel correctly, we need unanimous consent to rescind this motion.

The Chair: No, no. We're not dealing with a motion that isn't concluded. We're dealing with a motion that was concluded. It was decided upon, and the procedure now – correct me if I'm wrong, Parliamentary Counsel – would be to consider rescinding it if that's what you wish.

Ms Smith: Do you need unanimous consent to rescind?

Mr. Reynolds: No.

The Chair: It's just another motion, if you will.

Okay. Now that we've clarified that, is it your wish to have the replacement or substitute motion or whatever it is that you have coming?

Ms Smith: I would like to have a recorded vote and deal with them separately.

The Chair: Okay. Let's deal with them separately. Are we agreed? Let's proceed, then. Mr. Young has moved that the Special Standing Committee on Members' Services rescind the resolution [known as] minute No. 12.68 passed at its October 19, 2012, meeting.

Are there any speakers to this motion? Mrs. Forsyth.

Mrs. Forsyth: All right. Again, I want to emphasize that it's important because of the recorded conversations through *Hansard*. Quite frankly, I know this is being watched by many people, by many Albertans. I think it's important for us to have on the record what Mr. Young is rescinding so that if I go to the minutes, I understand that he's now rescinding what was moved by Mr. Mason. If you would, could you please tell people what you're trying to do with this motion?

Mr. Young: Rescind it.

Mrs. Forsyth: Well, I understand . . . [interjections] You know, we get a little bit of chatter in the background. I understand he's trying to rescind, but people listening to *Hansard*, quite frankly, Steve, don't have in front of them what you're trying to rescind in this motion. So if you would like to explain to people that are listening intently what you are trying to rescind, I think then we can have some general discussion about the motion.

9:50

Mr. Young: I want to rescind resolution – it's noted in the minutes, okay? – 12.68. You want me to read? Is that what you want me to do?

Mrs. Forsyth: Yes.

Mr. Young: I think my motion is very clear.

Mrs. Forsyth: All right. If I may, Mr. Speaker, I think it's important that we have people understanding what we're doing and what we're rescinding. For those who are listening, so that it's recorded in *Hansard*, so that everybody can clearly understand, what Mr. Young is trying to rescind is motion 12.68, which says:

Moved by Mr. Mason that Mr. Young's motion be amended by having the Special Standing Committee on Members' Services recommend to the Legislative Assembly the amendment of Section 10 of the Members' Allowances Order by removing the words: "Once in a fiscal year, there shall be paid to every person who is a Member and has served a minimum of 3 months in that fiscal year", and by inserting the words: "On December 15 of 2012 and by January 30 of every fiscal year thereafter, there shall be paid to every person who is a Member", and by removing the words: "one half of", and by inserting the words: "For greater clarity the payment on December 15 shall be reduced by any payments made to the Member in the calendar year 2012, and that the Members' Services Committee establish a departing allowance payable to departing Members, not to exceed the equivalent of one month's salary for every year served as a Member, to a maximum of 12 months' salary."

So now I'm understanding that he wants to rescind that total motion if I'm correct. Right, Mr. Young?

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

The Chair: A point of order from Mr. Mason.

Mr. Mason: I'm sorry. I did not see a copy of the minutes of our last meeting until I asked for them in this meeting. I can assure you that the recorded motion that is made by me was not made by me. The motion that I made, if members will recall, was simply to take the government caucus motion and make it as a recommendation to the Legislative Assembly in order to bring it in order.

The Chair: That's correct. My recollection is that you moved an amendment to make the government's motion, so to speak, Mr. Young's motion . . .

Mr. Mason: To bring it in order.

The Chair: Exactly.

Mr. Mason: Because all we can do is recommend to the Assembly, and that wasn't taken into account. So that's the motion I made. That is not what these minutes say. I apologize for not having them or reviewing them before we adopted the minutes, but I am quite happy to sit down with any other member of the committee or yourself and review the tape of the meeting, because this motion is not what I did.

The Chair: Your motion was to put the word "recommend," as I recall.

Mr. Mason: Yes. Absolutely.

The Chair: Why don't we undertake to review that.

Mr. Mason: Please do.

The Chair: Thank you for that. We'll come back with a ruling on it very soon or as soon as we can.

Now, let's go back to where we were. Mrs. Forsyth, had you concluded your comments?

Mrs. Forsyth: Well, I guess that after Mr. Mason's comments and

what Mr. Young is proposing, without understanding exactly what Mr. Mason is wanting, I don't know how we can rescind the motion if it's incorrect.

Mr. Mason: You can rescind any motion made by any member.

The Chair: Let me just go back to that meeting of October 19. A motion had been brought forward by Mr. Young, and Parliamentary Counsel gave us some advice suggesting that, as I had also, by the way, suggested, it may violate the spirit of some other act or direction of the Assembly, and in so doing, it was determined that we did not as a committee have the ability to make the decision finitely here. We had to make a report back to the committee, and as such the nature of that report had to be a recommendation in keeping with the spirit of Government Motion 11.A(d), as I recall.

Then Parliamentary Counsel gave us some additional clarity on that matter, at which point I believe Mr. Mason said: then I'll amend that motion to make it a recommendation only. I think, Mr. Mason, that accurately reflects what I recall it being. We'll go back and check *Hansard* and everything else to make sure that that's it, and then Parliamentary Counsel can give us some advice as soon as possible on how our minutes should properly incorporate that unless Parliamentary Counsel is able to make a comment right now.

Do you wish to make a comment now, Mr. Reynolds, or do you want to study this a bit?

Mr. Reynolds: That's fine. Please continue with the discussion, Mr. Speaker.

The Chair: Okay.

Mrs. Jablonski: Mr. Chair, I just would like to ask about clarification for the fact that we have moved the minutes, and we have approved the minutes as written. Do we have to rescind all that now, too?

The Chair: Well, we're going to get a ruling from Parliamentary Counsel here. I understand what Mr. Mason is saying. He basically is saying that all he did was add the word "recommend."

Mr. Mason: "Recommendation." This reads as if I'm complicit in the government motion.

The Chair: I understand what you're saying, and that's why Parliamentary Counsel is now chatting with the other Parliamentary Counsel just to make sure that it's clear. I mean, *Hansard* will have it exactly. Nonetheless, we're there.

Okay. Let's go on.

Ms Smith: I think this conversation makes the point about why Mrs. Forsyth was wanting it to be read into the record, so that we all know what's going on.

If I can summarize, it appears to me that what Mr. Young is doing is that he's seeking a motion to rescind his motion to double the RRSP allowance and to also institute a transition allowance, and further to that, both of those were supposed to go back to the Legislative Assembly. So those three elements are now being rescinded. It is not going to be going to the Legislative Assembly, he is rescinding his call for a transition allowance, and he is rescinding his call for a doubling of the RRSP allowance. I'll be voting against this because I happen to believe that this should be debated in the Legislative Assembly. I do not support rescinding it. I support it going through the original process.

The Chair: Understood. But let's be clear that I think Mr. Young, if I understood him correctly a few minutes ago, is prepared to bring forward a substitute or a replacement motion, which I haven't seen either, so let's keep that in mind just to be fair and to be balanced.

The other thing is that I think the transition allowance wasn't called that. It was called a departing allowance or departure or whatever. It's essentially the same spirit, though.

Let's go on, please, to Mr. Dorward, followed by Dr. Sherman.

Mr. Dorward: My comment was on the minutes, that I thought we were still discussing, rather than going back to the previous discussion. When I reviewed the minutes, I didn't think there was a problem. I'm looking at the minutes, page 20.12, and I'm looking at minute No. 12.72. Just before that, there was a motion defeated. At 12.73: "The question was called on Mr. Young's motion as amended by Mr. Mason and the motion was carried." There was a recorded vote, so I don't see any problem with this. I think this got started off on the wrong path, but I think we're okay on the minutes.

Mr. Mason: No. The minutes are completely wrong.

Ms Smith: Minute 12.68 is a problem.

The Chair: Okay.

Dr. Sherman is next.

Dr. Sherman: Mr. Speaker, I'm going to shock you all.

The Chair: Shock away.

Dr. Sherman: I would love to vote to rescind a motion where we set our pay. As you know, I believe that MLAs should not be involved in setting their own pay, and I will be voting in favour of rescinding this motion and any motion where MLAs are setting their pay.

The Chair: Okay. Are there other speakers here?

The question has been called. Thank you. Those in favour of Mr. Young's motion to rescind that particular minute, please say aye.

Some Hon. Members: Aye.

The Chair: Those opposed, please say no.

Ms Smith: No.

The Chair: We have one no, but that's carried, so that motion is now officially rescinded.

Mr. Mason: Let it be known that we rescinded this motion all of our own free will as independent members.

The Chair: Yes, as independent members. Correct, Mr. Mason.

All right. Now, Mr. Young, would you please give us whatever you have?

Mr. Young: I have copies, and I'd like to distribute them.

The Chair: Pages, can we have some help here, please, to distribute.

Mr. Young: In the interests of articulating the motion, I've also provided information that I would like to circulate.

The Chair: What's it called?

Mr. Young: It's just a description of the compensation package.

The Chair: Why don't you give me a copy of each one so I can read it in while you're circulating it, and then we'll get a discussion started.

Mrs. Forsyth: Can you please read it into the record?

The Chair: I just want to identify them first. I have two documents that Mr. Young is circulating. One of them is:

Mr. Young to move that section 10 of the Members' Allowances Order be amended by deleting same and replacing same with the following.

I'll get him to read that into the record shortly.

The second item that he's circulating is a stack of sheets with a cover page titled Employer Contribution to MLA Retirement. Is that correct, Mr. Young?

Mr. Young: That's correct.

10:00

The Chair: Okay. That document has now been circulated, so for purposes of the record why don't you move your motion and read it aloud into the record, please.

Mr. Young: Thank you, Mr. Chairman. I move that section 10 of the member's services allowance be amended by deleting same and replacing same with the following:

Individual Retirement Investment Option

10(1) Once in a fiscal year, every person who is a Member and has served a minimum of 3 months in that fiscal year shall receive a retirement investment amount equal to 13% of the Member's indemnity allowance.

(2) In addition to the amount provided under subsection (1), a Member who has served a minimum of 3 months in that fiscal year may make a contribution to the Member's RRSP account up to 3.65% of their indemnity allowance, and the Legislative Assembly Office shall contribute an amount to the Member's RRSP account that is equal to the contributions made by the Member under this subsection.

If I may go through the other information package, the first page is basically a graph illustrating the percentage of MLA base salary. Prior to the Major report that amount, which was transition allowance and the retirement amount, was 34 per cent. If you look at Chief Justice Major's report, he recommended a defined benefit plan and a transition allowance that amounted to 37 per cent; in essence, an increase relative to the percentage of MLA pay. In my proposal that I've just read in, of course, as you note, there is no transition allowance included in there or departure allowance or severance allowance or anything like that, but the amount totals, cost to the government: a decrease to 16.65 per cent, with a matching portion required by the MLA himself.

The next page is total annual elected official compensation across Canada. Comparing elected officials across Canada, where do we sit in terms of the total compensation? This is cost to the government, a comparison. Where do we sit? Right in the middle. You can see that for your own description.

The next page is the same graph but broken down into three elements, the first element being the transition allowance. Interestingly, Alberta is the only one that doesn't have one. Then there's the retirement program, whether that's a defined benefit or a defined contribution or in Alberta's case, since we don't have a pension, the retirement amount that I'm proposing. Then the third element is the grossed-up salary. So we don't have any tax-exempt amount. It's the grossed-up amount, comparing that to the previous page.

The next page is the total annual employer contribution to elected officials to retirement. So how much is allocated to the retirement amount? That is 16.65 per cent. If you include the required amount out of the MLA's pocket, because this is just the amount of money out of the government's pocket to the elected official, it's 16.65 per cent.

The next page is annual contributions to retirement and transitional allowances for elected officials. This is just looking at the transitional allowances and the retirement amount to elected officials across Canada. You'll see that Alberta, with no transitional allowance, is at the bottom once again.

So I open it up for discussion. I've tried to paint a picture for context. As the hon. Brian Mason has said, we're here to represent all people and to have a fair assessment of what is being proposed here and to take the long view, not only in terms of timelines before the Major report and across Canada, for other elected officials.

The Chair: There's a final page you didn't comment on: member total compensation comparisons. Did you want to just give us one sentence about that?

Mr. Young: Sorry. This is an effort to be completely transparent. This is a simple plan – right? – so here are the numbers. This is in full view, and you can take a look at the numbers and do a comparison across Canada. Some jurisdictions will have more in compensation in terms of salary. Some have significantly more in pensions and defined pensions that offer risk, and others have transition. Here's where they are, comparing apples to apples for you, and where we sit.

The Chair: Thank you.

Hon. members, before we go to the discussion, can you please number your pages on the accompaniment document. You have one that's the motion, and then you have this accompanying document that's titled Employer Contribution to MLA Retirement on page 1. I have six pages. Does everyone else have the same? Well, please number them so that you'll all have six pages. In case they come up for reference, we'll have that.

Mr. Young has put a motion on the floor. It's open for discussion. I have Mrs. Forsyth, followed by Mr. Dorward, followed by Ms Smith.

Mr. Dorward: Mr. Chair, earlier I was following, at the start of the meeting . . .

The Chair: I'm sorry. The first hand that went up as he raised the issue was Mrs. Forsyth's, so I'm going there and then to you, Mr. Dorward, and then to Ms Smith. Are there any others? Raise your hands as we go. And then Mr. Mason. Let's start there. Mrs. Forsyth.

Mrs. Forsyth: Well, thank you, Mr. Chair. You have to give the member credit. He's just like the little ever-ready bunny; he just keeps going and going and going on these amendments that they bring forward, and I find it quite enlightening.

I guess the first thing I need to ask is – we've been all over the map in this meeting. We started off with Mrs. Jablonski's motion that was putting it forward to judges, and we've deferred that. Now we have Mr. Young's amendment before us in the Legislature. I appreciate what he's trying to propose, but I just need it in black and white. Right now, today, we are receiving approximately \$12,000, period, in RRSPs. That's what we get right now. With your amendment could you please tell me in black and white in a dollar value what the increase is for MLAs?

The Chair: Mr. Young to answer that question, please.

Mr. Young: Well, again, taking a long view of this is: where did we come from? Before the issues – and you were there. You have the transition allowance. You were on those committees. Okay? We changed that. There is no committee pay. There is no transition allowance. I can look around the table, and there are some people that still have them. There is none. We got rid of that. We cleaned this up. This is clean. Okay? This is clear. It was 34 per cent.

We commissioned Justice Major to take a look at it. He cleaned it up, but he still had a very generous plan. He also presented, recommended a defined benefit plan, where, quite frankly, there were a lot of issues in terms of the risks, in terms of unfunded liabilities. We rejected that. In the interim, in that period when we got rid of those transition plans, that committee pay, all those things that you were part of, we had it whittled down in the interim while Justice Major's report was being reviewed. That is 9 per cent. You're correct.

But look beyond where you came from. This was an interim with the Justice Major report. The Major report came out. That is why we are here today, to review the package, a full review of the package. The package is very clear that what Major recommended is too much. There were elements in there that certainly made sense, but it was too much. We rejected the defined benefit. We rejected the transition allowance, and we rejected anything – open up your thesaurus – that sounds like transition allowance: departure allowance, severance allowance. That's the reason the previous motion was rescinded.

Now we've settled on something reasonable. Now, is that reasonable? Let's look across Canada at where we sit. This is why I provided you with these numbers. Okay? It's very clear. Out of pocket the cost to the government to MLAs: where do we sit? We are not the highest. We are not the lowest. Well, we are the lowest in transition allowance; you can't get any lower than zero. So if you want a race to the bottom, the pension is the lowest in Canada. You can actually look at the total. If you look at page 2, you can see that the total cost, dollars to dollars, is right in the middle.

10:10

The Chair: Okay. Mr. Dorward.

Mr. Dorward: Thank you. Healthy conversation and debate and listening and going back to our caucus members, listening to the public, having more discussion: all of these things are for me not "all over the map." That's indeed what my job as an MLA is. In fact, it's a historic day for Alberta. In fact, it's a historic day for Legislatures and government in Canada. Under our Premier's leadership we have completely eliminated committee pay. We have eliminated transition allowances, severance pay. We're the only jurisdiction that does not offer any transition allowance or severance pay. There is no tax-free allowance. There is no MLA pension: no defined benefit, no defined contribution, no defined target. There's no risk of potential liability for future taxpayers.

We have a very simple, straightforward situation in Alberta. I'm pleased as a fiscal conservative to be able to support this motion a hundred per cent and to be proud of the fact that we've gone back to all those constituents that I've just mentioned with a great plan that is below the amount that Justice Major said but that, we think, also balances off and gets MLAs something that they need. We have MLAs that are single, sole earners in their homes. We have MLAs that have given up jobs to be able to do this work. We have spouses at home in some cases that are concerned about how much money is going to be there for the retirement years. So I'm very much supportive of this.

We're very thankful to be have been able to come up with this proposal, and that's what the dialogue has been all about. I'm very much in favour of this motion.

Thank you.

The Chair: I have Smith, Mason, and Jablonski.

Ms Smith: Just so I'm clear, you're calling this an individual retirement investment option. So you're proposing this as an alternative to a pension plan.

Mr. Young: There is no pension plan.

Ms Smith: So this is an alternative to having a pension plan.

Mr. Young: In lieu of.

Ms Smith: So it's in lieu of having a pension plan.

The Chair: I suppose. That's a good question. Technically, this is not a pension at all.

Ms Smith: But it's an alternative for us.

The Chair: Pensions are off the table pursuant to an earlier decision of this committee.

Ms Smith: And this is an alternative approach.

The Chair: We're talking about an alternative which is in the form of the motion you have.

Continue, Ms Smith.

Ms Smith: Thank you for that. I guess I'm a bit confused by this, and I'll go back to the question that Mrs. Forsyth raised about what the actual dollar figures are. If I'm doing a calculation on the dollar figures, 10(1) would allow for a member to receive a retirement investment amount equal to 13 per cent of the member's indemnity allowance that would be calculated on the basis of \$134,000. That would equal \$17,420.

The second part is a matching program. So a member who has served a minimum of three months in that fiscal year may also make a contribution to the member's account of up to 3.65 per cent of their indemnity allowance. That would mean me putting in \$4,891, and if I do that, then "the Legislative Assembly Office shall contribute an amount to the Member's RRSP account that is equal to the contributions [that I made]." That is an additional \$4,891.

The problem I have with this approach is that we can't contribute \$27,202 in a given year to an RRSP account because it is defined in legislation that you would have, especially if you've maxed out and you don't have any carryover from previous years, a maximum amount that you can contribute to your RRSP in a given year. What this would imply to me is that those members who have reached the maximum – and I think this year it's about \$23,000. How would they then get that additional amount from the LAO? It seems to me the magic number that the PC caucus is trying to get to is that \$22,311, but I'm still not quite sure how they envision all of this unfolding because you can't actually contribute that full amount to your RRSP without breaking the income tax rules at the federal level.

The Chair: Mr. Dorward, do you want to comment on that and give an answer?

Mr. Dorward: In deference to those comments, the wording in the motion was carefully chosen in that the amount is a retirement

investment amount. It will be completely up to the MLA as to what portions of the initial amount and the shared amount go into an RRSP, depending on their particular situation. If, for example, they have old room that's available, it might be okay. If they don't, and they're current in their contributions, it might be that all of that amount is taxable, which is exactly the way it is right now. The form that we received in July, in essence, won't change a lot.

Ms Smith: Just to clarify, then, it's exactly what we receive right now, except that it's double the amount that we receive right now.

I guess, Mr. Chair, this kind of goes to the same issue that we had in the two previous motions, where we're sort of given a fairly complex, quite different motion than what we had already passed before. I wouldn't feel comfortable voting on this motion without taking it back to our caucus to have a discussion about it because it seems to me that it is a little bit different, and it does kind of come out of the blue. It would have been nice to have seen it circulated before. If I'm asked to vote on it today, I would vote no on the basis of what I think our members would support. I mean, our members are not in favour of seeing a doubling of the RSP allowance. But I would acknowledge that it would seem to me taking this back for caucus discussion would be an appropriate measure.

The Chair: On this point, then, Mr. Dorward, quickly. Then I'm going to Mr. Mason.

Mr. Dorward: Just to be clear, there is no doubling of anything. You know, there was a transition allowance before. There was a package. There was a transition allowance, and there was an RSP option available before. The sum total cost of that to Albertans was in the range of 34 per cent of the salary of an MLA. That amount is now being decreased to 16.65. There is no doubling of anything. It's very simply a serious reduction in the cost to Albertans.

The Chair: Okay. Mr. Mason, followed by Mrs. Jablonski.

Mr. Mason: Thank you very much, Mr. Chairman. A couple of questions. The member gets 13 per cent of their salary. Now, is there any requirement that that be put into a retirement savings?

The Chair: Steve Young, do you wish?

Mr. Young: Yeah. Like it exists now, the member gets that money. Certainly, they should put it into an RSP, or they could put it into another investment vehicle.

Mr. Mason: Is there any obligation to put it into a retirement savings?

Mr. Young: No. I don't think we should tell Albertans how to spend their money, nor MLAs.

Mr. Mason: Okay. Now, in the second one, where we are telling people that they don't get it unless they make a certain contribution to the RSP, then that's matched – right? – 50-50.

Mr. Young: Yeah.

Mr. Mason: So is there any limitation on the individual just putting it into the RSP, getting it matched, and then taking it out and paying taxes on it?

Mr. Young: There's no limitation on any of us taking money out of our RSP. You own your financials. Mr. Mason, I don't propose to want to be involved in your business, and I don't think . . .

Mr. Mason: No, no. I'm just asking the questions.

Mr. Young: Okay. And I'm just answering.

Mr. Mason: So, basically, you get it if you put into an RSP. Then it gets added. Then you can take it right out again plus the 50 per cent that's been added by the LAO – is that right? – if you want. I'm not saying anyone should or shouldn't.

Mr. Young: Correct.

Mr. Mason: Mr. Chairman, then just to go back a number of years to my first meeting of the Members' Services Committee, where we received sort of a surprise proposal which incorporated the RSP contribution and the transition allowance that has just been eliminated, at that meeting I was the only member to vote against the transition allowance. I did vote for the RSP piece. When I was asked later in public and again at the next committee meeting, I always said that I felt that MLAs were entitled to some retirement compensation in the form of a modest pension.

The problem, of course, had been that the previous pension, that Ralph Klein got rid of, was very much seen as a gold-plated one. I think the public has no objection to a fair compensation for retirement purposes because when you leave your job when you've put in eight years or 12 years or whatever it is here, you lose a very substantial amount of your retirement savings and your retirement income potential.

What the public doesn't want to see is politicians enriching themselves at their expense. That's what they don't want to see. They don't want to see things that are out of reach for them. So some sort of pension, in my view, has always been the right answer, but it's got to be along the lines of a pension that maybe a teacher or a nurse or a police officer would get, something like that, you know, not something that a CEO would get. I think that the public accepts that.

10:20

Certainly, as a party leader in the last three elections I've found it challenging to attract good candidates. It's not merely a function of where we stood in the polls, just in case anyone has any smart-aleck responses to that. You know, to ask good people who have been somewhat successful and may have a good job to commit eight years or maybe a little bit more to run for office requires that they not be asked to make a huge personal financial sacrifice, and that means dealing with the retirement savings separate from the compensation that we receive.

Now, we are already extremely well paid, but, Mr. Chair, the problem is that this is not a retirement package; this is a raise. This is a 16 per cent raise. That's the problem with it. If it was a pension plan, even if it had a higher contribution that was restricted to people who needed compensatory retirement benefits, then I would have been all for it, but that's not what it is. It's simply an increase in our salary, and I don't think the public will accept it.

I can't support it. I'm sorry.

The Chair: I have Mrs. Jablonski, followed by Mr. Quest, followed by Dr. Sherman.

Mrs. Jablonski: Thank you, Mr. Speaker. I would just like to point out once again that this proposal is less than half of what was in place prior to the election. I think that it's made very clear in this chart. You can see that prior to the Major report we had a benefit package that amounted to 34 per cent.

The Chair: The page?

Mrs. Jablonski: I'm sorry. This is page 1. We had a benefit package that amounted to 34 per cent. Then we had an independent committee come in to advise us on indemnity, and it was recommended that 37 per cent of our wages should be in the retirement program. Now we have listened to what Albertans have said, and we're looking at what we consider to be very fair because we're down to 16.65 per cent.

If you go to page 3, you can look at the chart which is entitled Total Annual Employer Contribution Elected Official to Retirement. You'll see that Alberta is at the very bottom in that program. After pointing that out, I would say to you that I believe this proposal is reasonable, it's transparent, and it's significantly less than what was in place before. Look at those numbers: 34 per cent prior to the election, 37 per cent recommended by Major, and now we're at 16.65 per cent. I think that this is reasonable. It's less than half of what was in place prior to the election, it's 55 per cent less than the Major report, and it's approximately 65 per cent less than the recently approved federal plan for MPs.

I think that when you look at this in the bigger picture, it is very reasonable, and it's sustainable. It's not going to create any debt for the province of Alberta.

The Chair: Thank you, Mary Anne. I'm not sure if your reference to page 3 wasn't really a reference to page 4, but you could check *Hansard* later.

Mrs. Jablonski: Okay.

The Chair: Hon. members, I have the time as 10:24. We're scheduled to adjourn at 10:30. However, I still have three more speakers to go, and I'm wondering if now would be the time to ask you if it would be appropriate to extend the meeting by about 10 minutes or 15, if necessary, so we could maybe come to some resolution.

Mrs. Forsyth: If I may, Mr. Chair, you may have two or three more speakers, but you also have more motions on the agenda to deal with.

The Chair: Yeah. I'm saying to conclude this matter.

Mrs. Forsyth: What about the other motions?

The Chair: I'm asking for your time. Are you all good to extend to 10:45?

Ms Smith: Do you need unanimous consent for that?

The Chair: No. I'm just asking you by a show of hands. Are we okay to go to 10:45?

Hon. Members: Agreed.

The Chair: Well, let's just continue and see how far we get.

Mr. Quest, followed by Mr. Sherman, followed by Ms Smith.

Mr. Quest: All right. Well, thank you, Mr. Chair. I'll be brief in the interest of the clock ticking down. Do you want to reference page 1 one more time? It's been mentioned several times, but there still seem to be some that don't follow the math. The employer contribution was 34 per cent up until the Major report. It was suspended pending the outcome of the Major report, that recommended 37 per cent. We're at 16. That is a substantial decrease, and that's what the motion supports today.

Just to go back to Mr. Mason's comments about the RSPs – and maybe Mr. Dorward can support this – my understanding is that

anybody can access their RSP at any time less taxable deductions or any penalties. So, just to be clear, even if it does go into the RSP, it can be taken out the day after.

Those are my points, Mr. Speaker.

The Chair: Okay. Dr. Sherman, followed by Ms Smith, followed by Mr. Mason.

Dr. Sherman: Thank you, Mr. Speaker. I'm not sure if we're in the twilight zone or a sausage factory. On the one hand, the government touts the Major report, and on the other hand, they cherry-pick it and rip it apart. Then they want more judges on the committee, and then they don't. They want to rescind much of the work that they've done in the previous meetings. It's clear that the government members on this committee are divided from their Premier, or they're a trial balloon for the Premier to pop depending on what the polling and public reaction is.

Having sat on this committee and listened to much of the discussion, you know, we're just on the wrong path here, Mr. Speaker. I regret that we are still discussing our MLA pay. As a Liberal caucus we were clear in the election. Our position was clear. We had one position. Number one, we had suggested MLA pay be \$100,000 a year, and committee pay should be based on attendance. We discussed transition. We discussed getting your job guaranteed, whether you were successful or not after a run at public service. The higher principle that the Liberals have always stuck to is that MLA pay must be independently set.

Again, I will not be voting on setting any pay. I'd like to remind those members who are sitting here voting that this is public service. It's not about getting rich off the public. Our position has been significantly less than what the Major report and what the government committee members have decided on. It's clear that either the Premier should sit on this committee, or we should stop discussing pay and work on an independent, honest process to rebuild trust with Albertans because this is painting all elected members with a bad brush.

I will again be conveniently going for a coffee break or a washroom break when you vote on this. Thank you.

The Chair: Comments now, please, from Ms Smith, followed by Mr. Mason, followed by Mrs. Forsyth.

Ms Smith: Thank you, Mr. Chair. I think the argument that we're hearing about this being actually a pay decrease is very similar to the argument we heard after the London Olympics trip, when they spent \$114,000 on hotel rooms and then tried to argue to the public that they actually saved taxpayers \$128,000 because it didn't include any of the additional costs of those 18 or 19 additional employees going.

This is not a pay decrease. This is, as Mr. Mason has indicated, a pay increase in the order of 8 to 8 and a half per cent.

I find it interesting that we did not get a recommendation from the Legislature to come up with an alternative to a combined transition and pension allowance. The transition allowance: Ms Redford campaigned against it. She made it very clear she was going to be eliminating the transition allowance. All of us who got elected knew that there would be no transition allowance after the election. The recommendation coming from the committee was to look at an alternative to recommendation 12, which was the pension proposal of Justice Major.

So to try to say, "Well, if we roll in some combination of the transition allowance and the pension proposal or what we had before, then we're actually having a decrease," I don't think is a valid argument. I think we should actually – and I'm going to read this into the record – look at page 3 of the documents that were

handed out. If this proposal goes through and Alberta MLAs get yet another pay increase of around 8 and a half per cent, we will be the highest paid provincial elected members, second only to Quebec. Quebec's total compensation is \$183,930. Then would be Alberta's, \$156,311. There are some territorial MLAs who get paid higher than we do, but I think we also recognize that it costs more to live up north, so I think we should actually compare ourselves to the provinces. British Columbia would be \$151,804; Ontario, \$142,773; Newfoundland and Labrador, \$139,888; Nova Scotia, \$133,761; New Brunswick, \$124,670; Manitoba, \$112,802; Saskatchewan, \$109,548; and Prince Edward Island \$105,529.

10:30

Now, I know that the hon. members are wanting us to focus on what our transition allowance or our RRSP compensation or a combination of those would be relative to the compensation and benefits offered to other MLAs in other jurisdictions, but what has happened in other jurisdictions is that they have a much lower base pay, so they get compensated with having a much higher pension and RRSP allowance. The only fair measure to look at is the total compensation, which I think is quite clearly laid out on page 3. It makes the case that Alberta MLAs do not need an additional pay increase. They are already one of the highest paid provincial elected members in the entire country, and an 8 and a half per cent increase at a time when we're running a \$3 billion deficit, at a time when we're in negotiations with our public-sector unions sends the wrong message.

This should be rejected. If this is rejected, that means the status quo prevails, and the status quo is, I think, something that the general public would support, that the taxpayer would pay only 50 per cent of the contribution to an RRSP. MLAs can choose to match that with their own dollars if they'd like to, but it is at least consistent with what you would see in the private sector. In the private sector you do not see plans where the employer contributes 16.65 per cent to an individual's retirement savings.

That is the other thing we have to be mindful of. Not only are we going to be the second-highest paid politicians in the country with this, but we are also seeing the PC MLAs propose a plan that puts us way out of step with what everyday Albertans deal with with their own pension and RRSP contributions.

With that, I'll be voting against it, Mr. Chair.

The Chair: Thank you.

Just to be clear, there is no transition allowance built into this motion that I can read. Is that correct? Okay.

Mr. Mason, followed by Mrs. Forsyth.

Mr. Mason: Thanks very much. Mr. Chairman, I just want to clarify that I don't think this is as simple as a number that is contributed by the LAO. [interjections] I'll just hang on.

The Chair: There are a few side conversations. You have the floor, Mr. Mason.

Mr. Mason: I think that it's clear that under this plan the total contribution from the Legislative Assembly is reduced, in essence cut in half from what it was before the election. I acknowledge that. That is not my point. My point is that these benefits should be reserved for those who need them to compensate them for their retirement savings. They should not be going into the general pay packet of MLAs. I think that if we're going to attract good people to serve us in this Assembly, whether for a short time or a long time, we need to differentiate between pay and compensating people for what retirement benefits they may be losing by serving here. That's what frustrates me. That seems lost on the

government caucus. They don't see the distinction. They want just everybody to get it, and that's not what it's for. That's what my problem is.

The Wildrose wants us all to just freeze everything and, you know, join a race to the bottom. The Liberals run out of here every time we have a vote on this stuff. I find it really frustrating because I think we're losing sight of the main issue, which is, "How can we attract good people to come to this Legislative Assembly and serve?" not how we can enrich ourselves, not how we can play to the public feeling that all politicians are greedy or how we can avoid making a decision. I think that that's what we need to focus on, and I think that we have lost sight of it, and I really very much regret it.

The Chair: Thank you.

I had Mrs. Forsyth, but she's yielding her spot to Ms Smith, followed by Dr. Sherman, followed by Mr. Dorward.

Ms Smith: Just to make the point that if we keep the status quo – \$134,000 for base pay, about \$11,500 for RRSP contribution – that would bring us up to \$145,500, which would still make us among the highest paid politicians in the country. The only jurisdictions that would be higher would be British Columbia, at \$151,804, and Quebec, at \$183,930.

The Chair: Thank you.

Dr. Sherman: Mr. Speaker, just as a response to Mr. Mason's comments, I believe everybody elected here is a good person. I personally had no trouble getting good people to run for the Liberals across the province. In fact, the issue of getting good people in here is an issue of election campaign finance contribution rules.

Mr. Speaker, having looked at this data, if you look at Ontario and British Columbia – and I've heard the government's comments on this – they represent far more constituents per MLA than we do. They are amongst the highest paid MLAs per constituent, taking out the smaller provinces in this country but similar-sized provinces already. So I take exception to some of the comments made by the government members saying that they're taking a pay cut and by Mr. Mason implying that good people aren't already in the Legislature here. I will continue to stick to the higher level of principle that good people should stick to. You should not set your own pay.

Thank you.

Mr. Dorward: Well, rather than twist parts of an analysis, I think everybody would agree – I certainly hope everybody agrees. At least, anybody that I've ever talked to in my professional career would want to look at the total package. In fact, I look at the Major report, and there are various references as I just flip through it. I'll just go to 1.2 on page 12 of the report. "Members should be remunerated in total in a manner that is commensurate with . . ." And it continues on.

I think that's the essence, "in total." So if you take just the salary amount, maybe that is comparable, but I think most people would agree that you need to look at the whole package and the total, then see where we sit in the country, and see what we've done for Albertans in all of the other issues that I mentioned rather than twisting the facts and trying desperately to find some number which backs up a position.

The Chair: Thank you.

Mr. Quest: Well, I think we need to get to the question here fairly quickly, Mr. Chair, but I just wanted to point out or, I guess, even ask the question as to if Ms Smith's comparisons included the defined benefit pensions that are received in many of those jurisdictions. I think that would change the ranking considerably.

The Chair: Hon. members, I have no other speakers. Are you ready for the question on this motion?

Hon. Members: Question.

The Chair: The question has been called. Those in favour of Mr. Young's motion as circulated in print, please say aye.

Some Hon. Members: Aye.

The Chair: Those opposed, please say no.

Some Hon. Members: No.

Ms Smith: Can I get a recorded vote, Mr. Chair?

The Chair: A recorded vote has been requested. Those in favour of the motion, please announce your names quickly.

Mr. Young: Steve Young, MLA, Edmonton-Riverview.

Mrs. Jablonski: Mary Anne Jablonski.

Ms Calahasen: Pearl Calahasen.

Mr. Dorward: David Dorward.

Mr. Quest: Dave Quest.

Mr. Goudreau: Hector Goudreau.

The Chair: Are there others in favour?
Those opposed, please state your names.

Mrs. Forsyth: Heather Forsyth, Calgary-Fish Creek.

Ms Smith: Danielle Smith, Highwood.

Mr. Mason: Brian Mason, Edmonton-Highlands-Norwood.

The Chair: Thank you. It appears that that motion is carried.
We're moving on now to one other motion.

Ms Smith: I would actually like to first ask on a point of order, Mr. Speaker . . .

The Chair: Do you want your motion circulated?

Ms Smith: Sure. Yeah, actually. First, maybe we can go through that.

The Chair: Just while that's being circulated, Ms Smith, if you don't mind me interjecting for a moment, hon. members, we're on agenda item 4(d), which is our last point of business today unless something extraordinary comes up under item 5, new business.

This motion, presented by the MLA for Highwood, the Leader of the Official Opposition, Danielle Smith, has now been circulated.

Ms Smith, could I ask you to kick this off by reading it into the record, please.

Ms Smith: I would move that the Special Standing Committee on Members' Services recommend to the Legislative Assembly that MLA compensation, including but not limited to RRSP contribution levels, pension plans, transition or departure allowances, salaries, and any other forms of remuneration, not be increased until such time as the Alberta consolidated budget is balanced.

What this would allow us to do, I believe, is set the tone for future discussions around the budget and around the public-sector service pay. I think the point has been made that what is essentially being proposed here is an 8 and a half per cent pay increase. We think that that would create incredible difficulties for the government to make any increases at this time and that we should defer, ask the Legislative Assembly to consider deferring any recommendation that came out of this committee until such time as the Alberta consolidated budget is balanced.

10:40

The Chair: Just for the record can you just enlighten us: has this been vetted past Parliamentary Counsel?

Ms Smith: Yeah, we ran it by Parliamentary Counsel. They made some good amendments to it. Thank you.

The Chair: You did? Okay. Thank you. Again, the chair is seeing it for the first time right now as worded.

Are there any speakers to this motion?

Mr. Dorward: Well, I'm not necessarily in favour of the motion, but I do have a question regarding the Alberta consolidated budget. Is that the future budget? Do you contemplate that that's the '13-14 budget, or do you think that's the '12-13 budget?

Ms Smith: Well, it says: until it's in balance. It's clearly not going to be the '12-13 budget that is in balance, and it's up to the Finance minister whether the '13-14 budget is balanced. The key there is that it's the consolidated budget because there does seem to be some discussion about whether we're talking about operating surpluses and deficits or capital surpluses and deficits. This is a consolidated figure. So we would not propose an increase in MLA pay until we're actually back in budget balance.

I think it's fairly consistent with the private sector. You tend not to see pay increases for senior executives when they're running deficits.

Mr. Dorward: For greater clarity, then, you would agree that we can go ahead with an increase if the Minister of Finance tables a balanced consolidated budget for '13-14?

Ms Smith: Well, I would say that we would ask the Legislative Assembly not to entertain any motion of a pay increase until such time as the budget is balanced. Then perhaps a motion would come forward at that time. The committee has made a recommendation, but I would say that what I'm asking for is that we be in a balanced budget before we see any additional pay increase.

Mr. Quest: Again, to be brief, we keep making comparisons to the private sector, and that's okay if you really can compare the jobs. But typically what would happen in the private sector is that if you were asking people who were compensated based on certain financial results, if you asked them to take a freeze today, which is what we're talking about, then they would know their potential income after they were back into we'll call it a profit situation. Is that what the member may be proposing, that if there are huge

surpluses, then maybe the members' pay would be tied to those huge surpluses? What would happen next? That is my question.

Ms Smith: No. I think that's going to be contemplated at the next Members' Services Committee meeting, when Mrs. Jablonski brings forward her recommendation for how to deal with future MLA compensation, and we can discuss that at that time. This is just saying that because what is being proposed by this committee is an 8 and a half or so per cent pay increase, we shouldn't see it enacted until such time as the budget is in balance.

Mrs. Forsyth: I guess I just want to get into the conversation because all of a sudden the government is taking a motion that Ms Smith has brought forward and they're adding a twist to it. I think what she's saying right now is that the member . . . [interjections] Well, that's the first laugh we've had today.

The Chair: It's good to have a little chuckle. Hon. members, order please. Mrs. Forsyth has the floor.

Mrs. Forsyth: It's how quick they jumped on it that's funny, Mr. Chair, because of the fact that they have thought very quietly over there over all of the last of the debate.

If I may, I think what Ms Smith is proposing is in regard to: let's have a bigger discussion once we have a balanced budget. I don't think there's anything wrong with that. Mrs. Jablonski has brought forward a motion where she's talked about the judiciary being involved in this committee. I think this is something where, once she brings her motion forward at the next Members' Services Committee on the agreement of what kind of committee she has, we will be listening very closely to what she's proposing, and then we will be bringing a motion after what Mrs. Jablonski proposes to go before the Legislature and be thoroughly debated in the Legislature. So Albertans can have a say. They know it's before the Legislature. They certainly can let their MLAs know whether they support anything that's proposed before the Assembly. They can talk, and I think that's fair.

The Chair: Thank you.

Mr. Mason, followed by Mr. Young, followed by Ms Calahasen.

Mr. Mason: Thank you. I have a few comments, but first I'd like just a little clarity as to how this motion would apply to the motion that was just passed. The motion that was just passed institutes a retirement package. Then this motion: if it were passed, how does it affect what we just talked about? It seems to me they're at odds.

The Chair: Well, I think you'd have two different opinions on what some members feel is an increase and other members feel is a decrease. It depends on where you put your goalposts. I don't know, Parliamentary Counsel, if you wish to offer an opinion on Mr. Mason's question or not. If not, I'll just move on here to Mr. Young.

Mr. Reynolds: It's fine, Mr. Chair.

The Chair: We'll come back. Think about it a bit.

Mr. Reynolds: Thank you.

The Chair: Mr. Young, with your comments, and then Ms Calahasen.

Mr. Mason: No, no. I asked a question as a preamble to some comments.

The Chair: I'm sorry. You're not done with your comments.

Mr. Mason: I want to indicate that I don't agree with this motion. I don't think that this is the criteria for establishing our retirement benefits, which is a piece of unfinished business from before the election which resulted from the decision to cancel the severance allowance or the departure allowance. Then the question was: what's a fair system to replace it with?

I don't agree with this. This is a bit of conservative theology, I guess, that the balanced budget is the be-all and end-all of public responsibility on the part of politicians. In fact, I think there are cases when economic circumstances dictate that, actually, the best policy is not necessarily a balanced budget although I think that in general and have generally said that I think that in Alberta there should be balanced budgets. We certainly have the resources to do that. But to tie it to this is not something that I agree with.

I will note that the Wildrose has been consistently changing its position with respect to MLA compensation. Before the election, of course, they introduced the private member's bill to scale back a transition allowance but to have a transition allowance that was capped at one month per year for 12 months, and at the last meeting, if the Conservative caucus had allowed the motion to split, then Ms Smith indicated that she would have voted for that piece at the last meeting. [interjections] Yes, she did. And it was a big mistake, by the way, not to split it.

Following the Major report, the position of the Wildrose was strictly that we cannot have a defined benefit pension. Other options at that point were on the table for the Wildrose. What we've seen is a progressive de-escalation in what the Wildrose is prepared to accept because, quite frankly, they're trying to play politics with this issue.

The issue for me is: how do we put in place a retirement package that's focused on retirement benefits and not increasing pay, that will allow good people to leave their job for eight years, more or less, and make a contribution in this Legislature? I think we've lost sight of that, so I will not be supporting this motion.

The Chair: Okay. I have Mr. Young, Ms Calahasen, Ms Smith, and then Dr. Sherman.

Mr. Young: Thank you, Mr. Speaker. I'm troubled by what this would set the stage for. I mean, I think we need – and we've certainly moved that – pay that's clear, transparent. It needs to be reasonable relative to where we were, which was too high, and also, across Canada, where we fit relative to that. It troubles me to link it to other aspects of government, particularly regarding our budget. We need to balance our budget, clearly. We need to be providing effective services to Albertans. We need to be effective stewards of the public dollars. To set up a stage where you link it and you create a commission system where the only way you can get paid is through a cutting process or a manipulation: I'm completely against that. Let's pay people correctly, reasonably, fairly, and transparently, full stop. Let's balance the budget and provide effective services for Albertans. To link that, I think you bastardize it.

Thank you.

The Chair: Ms Calahasen.

10:50

Ms Calahasen: Well, thank you very much. I know that the opposition has been talking about an increase, supposedly, but when you look at it, it's more a race to the bottom. We're there already, Mr. Speaker. When you're looking at going from 34 per cent to what Major said, 37 per cent, to now, what we're

proposing, 16.6 per cent, to me that's a reasonable thing because what we're doing is dealing with this. I don't support the idea of anything being put towards a consolidated budget. When we're talking about this, we're talking about new MLAs and future MLAs and making sure that they're taken care of. I think some of us old people at least have something. I'm talking about you, Heather, and me. We have something to go with.

Mrs. Forsyth: And Mary Anne and Hector and Dave.

Ms Calahasen: Mary Anne and Hector. Okay.

Some of us have that, but not all the newbies do. I think that when we're looking at our newbies and looking at the future MLAs, we have to be able to look at something that will attract them, as you indicated and as he indicated. I think it's important for us to be able to make sure that we look at the future.

I'm not supporting this one. I'm not supporting this motion.

The Chair: Okay. Hon. members, we still have perfect attendance, and if you wish to carry on, I don't have a problem with it, but if we could just tighten up our comments a little bit, maybe we can finish off the agenda today. That would be wonderful.

Ms Smith: Just to correct a mischaracterization of my position, we have always wanted this to return to the Legislative Assembly so that every MLA can vote on the record about whether or not they want to see the increase. The reason why I voted in favour of the motion last week was because it was quite clear to me that a transition allowance was offside with what the Legislative Assembly wanted to approve. If they wanted to rescind that or revisit it, it had to go back to the Legislative Assembly.

To be clear – and I mentioned this last week – we were proposing an alternative to the transition allowance when it was a three months per year of service transition allowance, and members opposite were getting half a million or a million dollars in compensation packages when they left. Once the decision had been made to rescind that, you start at zero. When you start at zero, we have 17 new members, and they did not want to see a return to the transition allowance. That's very clear.

Now, I am going to ask, though, Parliamentary Counsel – I guess I'm a little confused. This goes back to Brian Mason's question about where this would fit in coming into force relative to the direction we've been given by the Legislature. As I look at the motion that was passed, I just am going to ask the question whether it was out of order. It doesn't actually have us going back to the Legislature whereas my motion would have had us going back to the Legislature to talk about having a limitation on increasing pay until such time as the budget is balanced. I think my motion is in order because it contemplates exactly what the Assembly told us, if we look at Government Motion 11, that we would report back to the Legislature. The motion that was passed previously does not appear to have that despite the fact that in section 11(d) it says:

that the committee examine alternatives to the pension plan . . .

The members opposite confirmed that what they're proposing was an alternative to the pension plan.

. . . 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.

I guess I've been proceeding as if this was going to return to the Assembly subject to Government Motion 11.(A)(d). I would like Parliamentary Counsel to give some clarity on that. What I was proposing was a motion coming out of this committee that would go to the Legislative Assembly subject to what we were mandated

to do by this motion, and I don't see that the motion that was passed earlier actually has that requirement and is in line with what the Legislative Assembly asked us to do.

The Chair: So the question is to Parliamentary Counsel to comment, please, if you wish.

Mr. Dorward: Mr. Chair, aren't we discussing this motion?

The Chair: Well, she has asked a question here about her motion being in order or not in order, what's the impact of it. That's, at least, my interpretation.

Mr. Reynolds: Well, Mr. Chair, what I can say is that, from our perspective, Ms Smith's motion is in order. I would say that the committee has passed the previous motion. I don't have any other comments.

The Chair: Okay. So let me move on. I have Dr. Sherman, Mrs. Jablonski, Mrs. Forsyth, Mr. Dorward.

Ms Smith: But it is a point of order, though, Mr. Speaker.

The Chair: Just a moment here. You're raising a point of order?

Ms Smith: It is a point of order because I'm asking the question about whether or not the previous motion that was passed actually complies with what the committee was charged to do, which is to make a recommendation back to the Legislature. My understanding was that this was returning to the Legislature. I think we have a lack of clarity right now. Is this motion returning to the Legislature for debate subject to Government Motion 11.A(d), which orders us to report to the Assembly with our recommendations?

The Chair: Parliamentary Counsel, do you wish to comment on that? Or Mr. Dorward?

Mr. Dorward: Well, it's my understanding that the Legislative Assembly asked us to report. I think we should, and I think that we should report that we don't have a pension plan.

Ms Smith: But it says that it's an alternative to a pension plan as well.

Mr. Dorward: Well, I've read the wording several times, many times, and I think that it requested a report. I don't know that it required us to ask them what to do. It required a report. On June 7 we passed a motion put forward by Mr. Quest to change certain things in the Members' Services Committee orders, which the motion today did. I believe the report back to the Assembly is that there is no pension plan.

The Chair: Okay. I had a speaking order here: Dr. Sherman, Mrs. Jablonski, Mrs. Forsyth, Mr. Dorward. I'd like to just finish that off if I could, please, so let's be brief, again, to make sure that we allow everybody time in on this.

Dr. Sherman, please.

Dr. Sherman: Thank you, Mr. Speaker. Speaking on the motion, I understand the intent of Ms Smith's motion. You know, budgets can be balanced in many ways. The government can increase its income by addressing the issues of taxation and royalties and whatnot. The government could cut waste, or government could cut public services. We already have a Conservative government intent on limiting or cutting salaries while they want to increase their salaries.

The unintended consequence of passing this motion could incent the government to cut front-line services in order for them to get a pay raise, and they could hack public services. I just want to remind everybody that our job is to make sure Albertans are looked after. This job chooses you; you don't choose it. It's public service, and it isn't a career. There is no evidence that higher pay gets you a better public servant or better decisions. Look at the output and outcomes of the government currently.

I do understand the spirit and intent of Ms Smith's motion. I would like to in fact amend the motion. The motion I would like to bring in is that I would like to rescind the previous motion and suspend all MLA perks and benefits discussions and recommend that this committee examine the 1994 private member's Bill 214 in order to implement a truly independent process to set MLA pay and benefits.

The Chair: Hon. member, that would be a separate motion, not merely an amendment. Let's deal with this one first unless you're prepared to offer some different wording that suits here, and if you are, please, Parliamentary Counsel is available.

Dr. Sherman: Mr. Speaker, that is an amendment of this motion.

The Chair: Ms Smith's motion starts out with moving that "the Special Standing Committee on Members' Services recommend to the Legislative Assembly," and it goes on. Where do you see your amendment starting?

Dr. Sherman: Well, in fact, the amendment starts because Ms Smith should have actually offered an amendment to the previous motion.

The Chair: Fine, but that's not what's on the floor right now. What's on the floor is Ms Smith's motion. If you wish to move an amendment to that motion as opposed to a whole new motion, I'm prepared to receive it. That's why I'm just asking you.

Dr. Sherman: So an amendment to her motion is to rescind the previous motion.

The Chair: No, it's not. Her motion is not that. Her motion is as worded.

Dr. Sherman: But that's the amendment.

The Chair: I think it's a separate motion.

Parliamentary Counsel, help us out here, please.

Dr. Sherman: In that case, I'll need a ruling on this.

The Chair: I think so, because it sounds to me like you're trying to phrase a brand new motion, which is why I'm saying that if you have an amendment to this motion, then start with the wording that's here and tell us which words you're deleting and where you're inserting and so on.

Parliamentary Counsel, please.

11:00

Mr. Reynolds: Well, I'm just trying to understand what the amendment would be. If it was just a motion to rescind the previous motion, that would be a separate motion, I would think.

The Chair: Correct.

Mr. Reynolds: I'm sorry. I'm not entirely sure what your amendment would be.

Dr. Sherman: Well, I can understand that it's a new motion because my motion is to renovate 90 per cent of this motion.

The Chair: Understood. Okay. So let's just move on. Keep that thought in mind.

Mrs. Jablonski, Mrs. Forsyth, Mr. Dorward: that is the list I have.

Mrs. Jablonski: Thank you, Mr. Chair. I'd like to start by saying that I have a great deal of respect for the Members of the Legislative Assembly. I've seen them work very hard in the last couple of weeks. I've witnessed dedication that goes above and beyond the call of duty. I know that last night a number of our members served till a quarter to 12, and I understand it was later a couple of nights last week as well. I know that my schedule formally started at 8 a.m. That doesn't count all the stuff that happened prior to that on the BlackBerry, which I think is a conspiracy because it makes you work 24 hours a day. But my formal day started at 8 and ended at a quarter to 12. You know what? That's very common, I'm sure, with most of the MLAs.

This is the only committee that considers the needs of the MLA. I think that if we're going to have the best of the best serving the people of Alberta, we have to be fair to them. I think that the motion that we just passed was fair to them. I won't be supporting what has been brought forward in Ms Smith's motion.

I would just like to add for the record that when we talk about MLA compensation and we're comparing us to the rest of the world who do the same kind of job that we do, I think we should enter all the numbers, not just some of the numbers. So I'd like to add to the record that when you compare the pay that we've just proposed in the last motion, we are in the middle of the pack. Alberta is in the middle of the pack for total compensation. I'd like to start by saying that the House of Commons' total compensation is \$227,764; Northwest Territories, beyond commuting, is \$191,940; the Senate, \$191,000; Quebec, \$183,000 – we did have that one read – the Northwest Territories, within commuting, \$176,000; Yukon, \$174,000; Nunavut, \$169,000; and Alberta is next on the list, in the middle of the pack at \$156,000.

My comment is that I think that we've done a fair and reasonable job here in representing the members who represent the people of Alberta.

The Chair: Thank you.

Mrs. Forsyth and then Mr. Dorward, and then we'd better look at our clocks.

Mrs. Forsyth: Well, Mr. Chair, it's interesting, the comment from the member when she finished up about representing the people of Alberta. I can clearly tell you what the people of Alberta are thinking right now. They're thinking they don't like what's happening in regard to this compensation package that we're discussing. I can clearly tell you that they don't like the idea of this committee making the decisions on behalf of Albertans. They would like to see this brought forward to the Legislature, they would like it discussed in the Legislature, they would like members, MLAs, 87 of them if it takes that, to have a discussion, and they would not be opposed to the fact that instead of the committee making the decision in regard to how much we're paid, we have somebody from outside, for which we're looking forward to your motion.

You know, I've heard: well, we've got old and we've got new. Ms Calahasen brought up the subject that we're one of the old people. Well, I can tell you, Ms Calahasen, that I'm well aware of how long I've been here. I'm well aware of how much I've had. I'm well aware of how much I've lost. But I also, if I may, made

that decision in the last election to run once again, knowing full well what was before me. I think people have to remember that. Every person that came into this Assembly previous to the last election knew exactly where they were heading.

If we want to talk about Albertans, then let's do what Albertans are clearly, clearly telling us. They're upset with the compensation package. Let's let them make a decision on the compensation package that the PCs are now proposing, put it into the Legislature, let the Legislature discuss it, let everybody have the time to discuss it, and then, you know, make a recommendation like Dr. Sherman is bringing forward in regard to the fact that this has to be done from an independent committee, as suggested by Ms Smith in regard to looking at our compensation package.

Mr. Dorward: Well, thank you for mentioning that we all knew where we were headed. That would have been headed towards the Justice Major report. We have listened to Albertans and chosen to pick a number which represents less than half of the amount that he had recommended.

I do want to speak to Ms Smith's motion relative to the portion that recommends to the Legislative Assembly that MLA compensation – and I could go on. I do have now in my hand the motion of the Assembly that says in 11.(A):

- (d) that the committee examine alternatives to the pension plan for members proposed in recommendation 12 . . .

I believe we have done that.

. . . and discussed in section 3.5 of the report, including defined contribution plans . . .

I believe we've done that.

. . . and report to the Assembly with its recommendations.

I believe that we as a committee should report to the Assembly that we have rejected all pension plans, Mr. Chair.

I also acknowledge:

- B. 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.

However, I don't support this motion.

The Chair: Okay. We've had some good debate on that. I'm assuming that everybody has had a chance to express themselves.

Some Hon. Members: Question.

The Chair: The question has been called. All right. Those in favour of the motion provided by Ms Smith, please say aye. Those opposed, please say no.

Ms Smith: Can I get a recorded vote, please?

The Chair: A recorded vote has been requested. Those in favour of the motion, please identify yourselves by name.

Mrs. Forsyth: Calgary-Fish Creek, Heather Forsyth.

Ms Smith: Danielle Smith, Highwood.

The Chair: Are there others?

Those opposed to the motion, please identify yourselves.

Mr. Young: Steve Young.

Mrs. Jablonski: Mary Anne Jablonski.

Ms Calahasen: Pearl Calahasen.

Mr. Dorward: David Dorward.

Mr. Quest: David Quest.

Mr. Goudreau: Hector Goudreau.

Mr. Mason: Brian Mason.

The Chair: Thank you.

Accordingly, that motion has failed.

Ms Smith: Mr. Chair, can I just get a ruling from Parliamentary Counsel on this? What exactly is getting reported to the Legislature? I think that Mr. Dorward and I have different interpretations of what needs to be reported to the Legislature. It seems to me that Mr. Dorward is proposing that all that needs to be reported to the Legislature is that we rejected all pension plans. It seems to me from this recommendation that we're also supposed to report alternatives to a pension plan, and this is clearly an alternative. So could Parliamentary Counsel confirm what it is we'll be reporting?

Mr. Reynolds: Well, Ms Smith, I appreciate your support, but actually I don't make the rulings. I provide advice. The rulings are up to the chair.

Ms Smith: Okay.

The Chair: Well, we have one outstanding item, which is the review mechanism. What I'm going to contemplate is whether or not an interim report might be the way to go. I'll advise members accordingly. I want to just check a few procedural things here myself and see where we're heading. Okay? I'll communicate back to you as soon as I possibly can.

I don't have any new business. Is there any new business anyone wishes to raise?

Mr. Dorward: I'd like to thank everybody for staying and having some healthy discussion on this. Thank you.

The Chair: I wanted to say the same thing. Thank you, all.

Ms Calahasen: Motion to adjourn.

The Chair: A motion to adjourn from Ms Calahasen. Those in favour of the motion to adjourn, please say aye. Those opposed, please say no. Accordingly, that motion is carried, and we are adjourned at 11:09 a.m. The next meeting will be at the call of the chair. I will canvass you as I have done at previous times.

Thank you.

[The committee adjourned at 11:09 a.m.]

