



Legislative Assembly of Alberta

The 27th Legislature
First Session

Standing Committee
on
Privileges and Elections,
Standing Orders and Printing

Tuesday, October 28, 2008
8:12 a.m.

Transcript No. 27-1-4

**Legislative Assembly of Alberta
The 27th Legislature
First Session**

**Standing Committee on Privileges and Elections,
Standing Orders and Printing**

Prins, Ray, Lacombe-Ponoka (PC), Chair
Hancock, Hon. Dave, QC, Edmonton-Whitemud (PC), Deputy Chair

Amery, Moe, Calgary-East (PC)
Berger, Evan, Livingstone-Macleod (PC)
Bhardwaj, Naresh, Edmonton-Ellerslie (PC)
Calahasen, Pearl, Lesser Slave Lake (PC)
DeLong, Alana, Calgary-Bow (PC)
Doerksen, Arno, Strathmore-Brooks (PC)
Forsyth, Heather, Calgary-Fish Creek (PC)
Johnson, Jeff, Athabasca-Redwater (PC)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
Liepert, Hon. Ron, Calgary-West (PC)
McFarland, Barry, Little Bow (PC)
Notley, Rachel, Edmonton-Strathcona (NDP)
Oberle, Frank, Peace River (PC)
Pastoor, Bridget Brennan, Lethbridge-East (L)
Rogers, George, Leduc-Beaumont-Devon (PC)
Sherman, Dr. Raj, Edmonton-Meadowlark (PC)
Stevens, Hon. Ron, QC, Calgary-Glenmore (PC)
Taylor, Dave, Calgary-Currie (L)
Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC)

Also in Attendance

Blakeman, Laurie, Edmonton-Centre (L)

Support Staff

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|------------------------|--|
| W.J. David McNeil | Clerk |
| Louise J. Kamuchik | Clerk Assistant/Director of House Services |
| Micheline S. Gravel | Clerk of <i>Journals</i> /Table Research |
| Robert H. Reynolds, QC | Senior Parliamentary Counsel |
| Shannon Dean | Senior Parliamentary Counsel |
| Corinne Dacyshyn | Committee Clerk |
| Erin Norton | Committee Clerk |
| Jody Rempel | Committee Clerk |
| Karen Sawchuk | Committee Clerk |
| Rhonda Sorensen | Manager of Communications Services |
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| Tracey Sales | Communications Consultant |
| Philip Massolin | Committee Research Co-ordinator |
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| Diana Staley | Research Officer |
| Rachel Stein | Research Officer |
| Liz Sim | Managing Editor of <i>Alberta Hansard</i> |

8:12 a.m.**Tuesday, October 28, 2008**

[Mr. Prins in the chair]

The Chair: Well, good morning, everyone. Welcome to this meeting of the Standing Committee on Privileges and Elections, Standing Orders and Printing. What I'll do first is ask everyone to introduce themselves. We'll just go around the table here – no need to touch your mics – and then we'll get to the agenda. Thank you.

I'm Ray Prins, MLA, Lacombe-Ponoka.

Mr. Hancock: Dave Hancock, Edmonton-Whitemud.

Mr. Rogers: George Rogers, Leduc-Beaumont-Devon.

Mrs. Forsyth: Good morning, everybody. I'm Heather Forsyth, Calgary-Fish Creek.

Mr. McFarland: Barry McFarland from Little Bow.

Mr. Liepert: Ron Liepert, Calgary-West.

Mrs. Leskiw: Genia Leskiw, Bonnyville-Cold Lake.

Mr. Taylor: Dave Taylor, Calgary-Currie.

Ms Pastoor: Bridget Pastoor, Lethbridge-East.

Ms Blakeman: Laurie Blakeman. I'd like to welcome you all to my fabulous constituency of Edmonton-Centre on this lovely fall day.

Mr. Amery: Good morning. Moe Amery, Calgary-East.

Mr. Reynolds: Good morning. Rob Reynolds, Senior Parliamentary Counsel.

Ms Dean: Shannon Dean, Senior Parliamentary Counsel.

Ms Gravel: Micheline Gravel, Clerk of *Journals*/Table Research.

Mrs. Kamuchik: Louise Kamuchik, Clerk Assistant, director of House services. Good morning, all.

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

Ms Calahasen: Pearl Calahasen, Lesser Slave Lake.

Ms DeLong: Alana DeLong, Calgary-Bow.

Dr. Sherman: Raj Sherman, Edmonton-Meadowlark.

Ms Notley: Rachel Notley, Edmonton-Strathcona.

Mr. Berger: Evan Berger, Livingstone-Macleod.

Mr. Oberle: Frank Oberle, Peace River.

Mr. Doerksen: Arno Doerksen, Strathmore-Brooks.

Mr. Johnson: Jeff Johnson, Athabasca-Redwater.

Mr. Stevens: I'm Ron Stevens, Calgary-Glenmore.

Ms Rempel: Jody Rempel, committee clerk with the Legislative Assembly Office.

The Chair: Thank you very much. We'll move directly to the agenda, and the next item is approval of the agenda unless there's any desire to change it.

Mr. Rogers: I'll move, Mr. Chairman.

The Chair: Okay. Thank you. All in favour? That's carried.

The next item is approval of the minutes. You've all got them in front of you. I'd look for a motion to approve them as well. I see that, Pearl. Go ahead. Thank you. All in favour? That is carried.

We'll go directly to review of the proposed standing order changes, and I'll just turn it straight over to Dave. Go ahead, please.

Mr. Hancock: Thank you, Chair. The table officers and Parliamentary Counsel have prepared a draft of the standing orders in accordance with the direction which we gave them at the last meeting. I have reviewed that draft and have made some supplementary suggestions to them, and I would advise the committee that the draft is substantially in accordance with our direction, from my perspective. There are one or two things that need to be supplemented in there. Obviously, the notes and brackets, where they are, can be struck out.

One of the directions that we gave was that there could be discussion with respect to rules around the policy field committees. I have had some discussion with the chairs of the policy field committees with respect to those rules, and we have a recommendation around that relative to administrative changes. But one rule that we think should be included which has not yet been included in this draft is that policy field committees should only go in camera by unanimous consent. That one would be an addition that I would be recommending to this as a result of discussion with the policy field committee chairs.

In the draft there is a question about: should all standing committees be appointed for the life of the Legislature? That may be an appropriate thing to do, but we haven't discussed that as yet, so that's an item that's left over for another discussion, perhaps.

The recommendation on Standing Order 52.03 on page 6 is one that has been reviewed and was felt to be an appropriate addition.

Then there's a question relative to the minimum number of hours of Executive Council, and I'm recommending to the committee that that be two hours. It would be my intention as House leader that we would find a policy field committee that Executive Council estimates would be sent to, but this rule provides for the option of either sending them to a policy field committee or dealing with them in Committee of Supply, possibly on the scheduled voting day. So on page 7 under (d) where there's a blank, it's suggested that that be two hours.

On page 8, application of standing orders during main estimates, the suggestion is that that should apply to not only main estimates but also to supplementary or interim supply as well.

On page 9, subsection (6) at the bottom of the page is: once the Committee of Supply commences voting. My suggested amendment to that had been: once the Committee of Supply starts consideration. In other words, once we're in Committee of Supply on the voting day, we complete the process rather than being in Committee of Supply, perhaps not getting to the vote and having to come back to do it. The intention is that once we get into voting day, we get into Committee of Supply, there are reports from the policy field committees, et cetera, and once that process starts, it would conclude. That would require a minor change on that one to reflect that.

Then on page 10 the provision for interim and supplementary supplies, subsection (3), is not necessary because it is not practical. In supplementary or interim supply there's no way that you could start each ministry with 10 minutes and then go to 20 minutes, you know, and back and forth. It's possible that we would need to put some process in there, but that's not the one. My suggestion is – and I don't think it needs to be in the standing orders – that a member of Executive Council, presumably the Minister of Treasury Board, would present the interim or supplementary supply estimates, and then we would just engage in the regular routine back and forth. Those are the concerns I had and the supplementary pieces to the proposed standing orders.

There were a couple of other items which we've discussed with respect to policy field committees, one of them being that all Members of the Legislative Assembly ought to be entitled to receive notice of meetings of policy field committees, that all Members of the Legislative Assembly ought to have access to the materials for those meetings, and that everyone ought to have a minimum number of days of notice for policy field committees. My suggestion would be at least two days' notice.

In discussion with the table I've been advised that they consider those to be administrative items and that if we included those in our report to the Assembly, the adoption of that report would be sufficient instruction to Leg. Assembly Office to carry out procedures in that manner. I am prepared to accede to that advice rather than insisting they be put in the standing orders. The sense around that is that every member of the Assembly is entitled to attend and participate, if not vote, in any policy field committee, standing committee, so they ought to have notice of those meetings, and they ought to have access to the material. Obviously, if the committee goes in camera or if there's confidential material that ought not to have broader circulation, then the chair of the committee would work with LAO offices to handle that in an appropriate way.

Mr. Chair, I'm at your pleasure. You could open that for any discussion people have, or I'm prepared to move a motion.

8:20

The Chair: Okay. I think I'll first entertain questions. I see Laurie's got her hand up.

Ms Blakeman: No, I don't have direct questions for the minister, but I have a series of comments that I'd like to make in reaction to the proposal for the standing orders from the Government House Leader and the Parliamentary Counsel. May I proceed?

The Chair: Certainly. Go ahead.

Ms Blakeman: Thank you. Under section 3(4) I would like some reassurance that this finite date for the close of session could not be used for what I call überclosure; that is, that a bill that is being debated would be forced to a vote because there is a finite end to the session. I believe that that would not be the case in what's ahead of me, but I suppose that's a question directed to Parliamentary Counsel to make sure that it's not possible to do that.

Under section 4(1) having it one day's notice to call for evening sittings and not subject to debate I believe could be subject to mischief by the government, and I would prefer to see it either longer notice or open for debate. Putting those two things together can create a hardship for the members of the opposition.

Under item 7(7) I continue my objection to a finite end to the Routine because the members' statements, the petitions, and the tablings that tend to come toward the end of the Routine are often related to representation of constituents, and I don't wish to have that particular representation venue cut off or cut short.

Section 8(1). I note that when we had started the first series of these negotiations back in 2007, one of my objections was to enhance the time for private members' business, and what we are now ending up with is half an hour less for private members' business in our week. This would have us starting at 3 and ending at 6, which I believe is half an hour less time than we're currently getting. So I think we've not achieved a goal that we set for ourselves, which was to enhance private members' business. In fact, there's less of it available under these standing orders.

I continue my objection over 8(4), which I think is a sneaky kill of a bill. If you actually want to kill one of those bills, get it out there and do a public hanging, but this poison backroom kill I think is not worthy of the government.

Section 41(2). I'm wondering – and this turns up later – how much time or warning can we expect the Speaker to give to call for the draw of private members' bills and motions? I'm a little concerned that if there's not enough notice given, a very small opposition, as we are dealing with in the next three to four years, can get caught out and perhaps not be available or be out of town or something and not be able to prepare and get everybody's names in. If I can just get a sense, perhaps, from the Clerk of what would be expected there. If we're going to hand it over to the Speaker and not have a finite date for that draw, what kind of warning can we expect?

As for term assignments to the committees I'm all right with that. I just think that there needs to be a very clear process to change or reassign or resign from those committees. As we know, people come and go, they get promoted, they fall ill, all kinds of things happen, and we have to have a very clear way of being able to replace them on these committees.

Under the suggested topics I continue to have concerns that there is no process available for a minority member, in other words an opposition member, or a member of the public to introduce anything into the policy field committees for review without a Tory majority vote to get it on there. Currently we've got policy field committees where, essentially, having worked these committees all summer, opposition members are allowed to attend, they're allowed to do a lot of work, and then everything they do gets voted down. I don't call that all-party. It's not all-party participation, by any means.

Under the consideration of main estimates I'm wondering how points of order are supposed to be called. There'll be a few in this room that have had experience in the double committees. Trying to do main estimates in a small room like this, it can get pretty heated, especially when you're eyeball-to-eyeball, because you're not working through a Speaker. So my question is: how are the points of order to be handled? What is that process? What recourse is offered if there's not satisfaction gained in the committee?

I note that having the government develop the calendar and also consult with five policy committee chairs and the opposition is making this calendar very complicated.

A great cause for concern for me is that there is now an expectation or the government is proposing that there would be House attendance from 1:30 in the afternoon to 9:30 at night with only a 30-minute break, so there's no meal break that's allowed during this time period. This may not be a consideration for a government who can run three shifts, so I understand that this may not have played into your consideration of this. But I can tell you for the Official Opposition – and I know for the third-party opposition – that we will have members who will have worked a shift in the afternoon. Half of our members will have worked an afternoon shift and will 30 minutes later have to be in one of the two main estimates committees that are being considered in the policy field committees, and the other 50 per cent may well have been in the House to debate a bill

and will then have to be in a policy field committee 30 minutes later. I'm wondering how the government plans to address this. Do they really want opposition members to not have any meal breaks? That's the outcome of what has been designed here. You need enough time to actually be able to get access to the food and to be able to eat it.

I have a concern around the time allocation for supplementary and interim supplies and even overall in the budget process. When I started in 1997, we were debating \$17 billion over approximately 24 hours of opposition time, which came out to \$708 million an hour. Now we're debating more at \$1.5 billion an hour of every hour that we get for main estimates. So we don't have more time to consider the amount of money. The budget has increased; the time we have to debate it has remained essentially the same.

That is true as well for supplementary supply. When I started, we were looking at supplementary supplies that were usually under a hundred million dollars. We're now looking at supplementary supply that is often over a billion dollars. Based on the announcements the government has made this summer, we could be looking at \$4 billion. And we're still only going to get two hours, one afternoon, to debate this? That's beyond the pale, in my opinion.

I'm wondering under the voting section, 59.03(1), how amendments are to be handled if amendments come to, I'm assuming, the policy field committee to, for example, remove an item. How are those amendments then handled? If they're not voted at the policy field committee, where is the opportunity to vote them in the House as part of the consideration for that particular department? We can't add money to budgets, but we can ask that line items be removed or amounts reduced. Where is that process to take place?

I question why we're continuing to allow or, perhaps, we could have the debate on allowing the Legislative Assembly Office budget to proceed without debate. I think there's a significant budget here that now receives very little oversight or debate, and the budget has increased fairly significantly over time. I believe that we should revisit that decision.

I would like confirmation, please, that the debates on supplementary supply and interim supply take place in Committee of Supply in the Assembly Chamber. I also question under 64(1)(b) how much debate time is being allowed here. If we have part of this debate on a Thursday, then there's an automatic shortening of the debate time because the Thursday adjournment is 90 minutes earlier than the other afternoons. I think there needs to be an accommodation made that if there's an expectation that part of that debate takes place – this is appropriation debate, by the way, folks – that we don't get the time foreshortened by losing 90 minutes' worth of debate on the Thursday afternoon.

8:30

I'd also like confirmation that we don't get into this situation where we adjourn 15 minutes before the regular hour in order to come out of Committee of Supply, so in effect we lose 15 minutes out of our three hours of debate. It becomes two hours and 45 minutes.

Under 68(2), could I get confirmation, please, that this does not preclude minority reports from containing a dissenting opinion? Minority reports should be minority reports, whatever is in them, and certainly a dissenting opinion should be allowed.

I think I've already touched on 72(2). That was about getting enough notice period from the Speaker to be able to respond and collect our resources to respond appropriately to the draw.

I disagree with automatically destroying the ballots after the Speaker's election.

The remaining items are around the policy field committees,

which have not been a happy experience for members of the opposition. I agree that all members should be given notification of the meetings and that everyone should have access to the information. There is still a glitch in the system in that someone trying to access that information from a remote site – for example, if they had a recreational property – cannot get access to the site unless they're using the LAO computer. Not everybody travels with those, so you can't get access all the time, and that can be problematic. Of course, anyone using a Mac is not allowed on the system either, so they can't get access.

I agree with the in camera sessions being a rarity and done by unanimous consent. Very reasonable. I think it will help us all. There are far too many conversations that aren't remembered after the fact because everything was done in camera and nothing was recorded.

I would say that two days' notice for the calling of the policy field committees is not enough time. The opposition members are already multitasking enough, and two days' notice is just not enough time for us to reorganize schedules and meetings and other requirements on our time. I can tell you right now that if you gave me an assignment this minute, the next possible time I have to work on it is next Monday afternoon. So a two-day notice for committee meetings – unless, of course, the government really doesn't want us there, which is the feeling we're getting in the way meetings have been scheduled. If that's the case, well, you have a 72-member majority; I'm sure you'll make it happen.

The final point on the policy field committee discussion is that I feel members need the opportunity to request the ministry or the sponsor of the bill or request proof of statements or backup documentation. What we're getting is the sponsor or the ministry presenting to the policy field committee and then going away, and there's no opportunity to review what was said and either ask for confirmation or documentation to support what has been said or to question the ministry. Those opportunities are being denied to members of the committee, specifically to the opposition, that's requested it because it's recast as being research, and that is being denied because it can only be asked for by, again, a majority of the Tory members. There's no opportunity for us to go back and question the department unless you're able to do enough advance work to go into the meeting knowing the questions you want to ask the department, which is asking you to be a little on the psychic side, seeing as you haven't heard their presentation yet. So there's an issue there that's around a timing issue, I think, and the ability in the meeting after the presentation to be able to ask for additional information.

Those are my comments on the presentation that I have seen, including the presentation that I received on Friday from the Government House Leader, and thank you for that. As I said to you, I was able to look at it on Monday afternoon. I started at 5 o'clock yesterday.

Thank you for the opportunity to raise those issues and questions with the committee.

The Chair: Thank you very much. I do have to remind all members that this meeting wraps up at 9 o'clock. I think some of your comments were directed to the Clerk, some possibly to Dave. I don't know who wants to respond to some of the questions or comments that you had. Maybe, Dave, go ahead.

Mr. Hancock: Well, I could go through quickly from my perspective. On 3(4), there's nothing in there which changes the nature of how we deal with bills. It doesn't provide for any additional opportunity to take bills out just because the session is being closed.

One day's notice is the normal notice of motion. If you put a motion on notice, it has to exist on the Order Paper for one day. That's with all of our motions. I mean, I think the concept is a rarity, but one day's notice – you know, in practical terms, everybody's life is busy, and we would all be disrupted in the same manner.

Timed ending of Routine we've discussed. We probably just disagree on that one. Starting at 3 and ending at 6, with 30 minutes less, we've got significantly less time for government business as well if you measure it in that time, but with the schedules that have been set up, there are more days, more weeks of sittings, so you pick up the time on that side.

We have to agree to disagree on 8(4). That was put in to provide an opportunity for a bill that's had full discussion but is not ready for a vote, to have an appropriate way to deal with it. That's neither sneaky nor poison. It's simply a matter of saying that there are some topics which people agree with in concept, but because the bill hasn't been appropriately developed, perhaps, it's not ready for a vote. People don't want to vote against it, but they can't vote for it because it's not drafted in an appropriate way or for some other reason. So that is an appropriate way to dispose of a bill that fits that category. You have to remember that every private member's bill is subject to closure, something we do not have the benefit of on government bills, of course. Every private member's bill has a time limitation on debate. Therefore, if there's more to be said, you may not be ready for a vote.

In terms of how much time we can expect the Speaker to give, I'll leave that one to the clerks. I assume that that would be a fair process.

In terms of a clear process to change or reassign or resign, we've built into the committee rules already, which would become permanent, an opportunity for someone who can no longer attend a committee meeting to have a substitute sit in for them, and there is a process whereby they can submit a resignation. With respect to a change of membership, that would occur in the normal course that we do it; in other words, bringing a motion to the House to change membership. We've done that on occasion in the past, and it would work the same way. I did discuss with Parliamentary Counsel whether there was an opportunity to put a mechanism in, but it's just too cumbersome. It makes more sense to use the substitution rules that we have, which have been working very well, and then to substitute committee members.

No process for a minority member or a member of the public to introduce a topic for review: well, I'll just leave that one. I mean, committees are committees, and the makeup of the House is the makeup of the House. That's decided not by us but by the people at election.

Points of order. Points of order are dealt with in committee in the same manner as they would be now, and it's up to the chair to be chair of the committee when a point of order is raised.

Less choice and flexibility to the opposition. That's true, but I think it's appropriate that if we're scheduling involving the five policy field committees, we have to consult them in the process. I know that Rachel will be bringing up that we should be consulting both oppositions.

House sitting, the time frame of House sitting. It would be my anticipation that when we went into policy field committees considering estimates, there would have to be a provision for people to eat, and that process would be put in place. In canvassing members, it seemed that people were more open to the idea of going from 6:30 to 9:30 than from 7 to 10 or 7:30 to 10:30, to get a three-hour chunk. If we for that short period of time can arrange for appropriate food to be available, people felt that that was a more appropriate way to go.

Ms Blakeman: Excuse me. Will the food be made available to members of the opposition? We weren't consulted in this, clearly.

Dr. McNeil: The Legislative Assembly Office would be responsible for providing food for those meetings as we do with all our committee meetings.

The Chair: Go ahead, please.

8:40

Mr. Hancock: Some of the others were just basically commentary in terms of process. How are amendments to be handled? My view, subject to what the Clerk might say, would be that they be handled like any exception request that has been scheduled in the past. In other words, if there's an amendment to reduce the minister's salary to a dollar, that would be an exception vote on the line vote for that ministry, and that would come up before the vote on the ministry estimates. I'm not inviting you to make the motion to reduce my salary to a dollar.

Ms Blakeman: Clarification, then. So that amendment would actually be introduced as we start to do the exception votes. In other words, to do an amendment, you would need to have requested that that ministry be pulled out as an exception vote.

Mr. Hancock: The amendment would be moved in the policy field committee. It would be brought forward and voted prior to the votes as an exception vote.

The Chair: In the House.

Ms Blakeman: It would have to be tabled, would it not?

Mr. Hancock: Yeah. It's reported out by the policy field committee chair when they report that they've considered the estimates of the department and would advise that there is an amendment proposed, and then that would be voted prior. Parliamentary Counsel may want to answer that.

Let me just finish the rest, then. It doesn't need to be part of the rules, but the assumption is that a committee can be scheduled for the Chamber. Committee of Supply would of course meet in the Chamber, but policy field committees can be scheduled for the Chamber. If there are two committees meeting, one of them would be in the Chamber, presumably.

Ms Blakeman: On supply? You're talking about doing subsupply in two?

Mr. Hancock: No, no. Committee of Supply would be in the Chamber.

Ms Blakeman: Yes.

Mr. Hancock: It is in the Chamber, and there's nothing here that would take that away. In terms of policy field committees, when they're meeting to discuss estimates, one of them could meet in the Chamber.

Ms Blakeman: I would ask that that be negotiated with members of the opposition because we've got enough problems now trying to move between two committees and represent our constituents and our multiportfolios. Between two committees, expecting us to hoof it from one of these rooms back to the Legislative Assembly and

back again in the same hour that is allocated to the Official Opposition or the 20 minutes allocated to the ND opposition is cruel.

Mr. Hancock: It's not part of the rules, and it certainly can be part of the scheduling of the process. I mean, at the last meeting there was concern that there wouldn't be room for the public to see what was happening, so that can certainly be accommodated.

Ms Blakeman: It was an argument not to have two committees at the same time. Don't cross those two over.

Mr. Hancock: Precluding minority reports. A minority report can include whatever it needs to include. It can concur or dissent in part or in whole.

I think that deals with most of the things. Destruction of ballots is sort of a routine thing once the result has been accepted.

The distribution of material, et cetera, I dealt with in my remarks. The table has suggested that those are administrative in nature, so I would propose to include them in a motion. Although they're not in the rules, there would be a motion which the House, perhaps, would concur in which would ask that to be dealt with on an administrative basis.

The Chair: Are you finished?

Mr. Hancock: Yeah.

The Chair: Thank you very much.

Rob, maybe a few more comments.

Mr. Reynolds: Just a few quick questions that you asked for a review on. One was about überclosure, as you termed it, on Standing Order 3(4). There are jurisdictions that do have provisions that on the last day everything has to come to a vote, but there's nothing in the standing orders that says that. I mean, 3(4) just simply states when the session would end, much like the temporary standing orders did in 2007. There's nothing here, as Mr. Hancock indicated, that would require everything to come to a vote.

Just one other thing. You mentioned the notice for the draw. I don't think there's any intention to give a short notice and rush everything or catch everyone by surprise. I'm referring to the private members' bill draw and motion draw. I mean, I guess it's what sort of notice would you find acceptable? A month's notice? Would that be acceptable? This references the Speaker sending out a memo indicating the day that the draw will be. Would a month's notice be sufficient?

Ms Blakeman: Then there's a subsequent deadline that happens in advance, which is the date to have all of the names in for the draw.

Mr. Reynolds: Yes. It has to be in three days before the draw.

Ms Blakeman: Yeah. I think a month would be fine. I was a little worried if it was two weeks.

Mr. Reynolds: We certainly could advise the Speaker that a month would be fine.

With respect to meals I think David covered that. The committee clerks are experts now at ordering meals for everyone.

Ms Calahasen: They've done a great job.

Mr. Reynolds: Yeah.

I think those were the direct issues that Parliamentary Counsel has.

The Chair: Thank you very much.

Dr. McNeil, did you have any comments?

Dr. McNeil: Just in terms of the administrative arrangements. In terms of access we can work with members. We provide every member with a laptop, so a member should be able to access our intranet site from their home, from their constituency office, remotely. Our biggest concern is making sure that the computer that they're using has the appropriate security mechanisms built in so that our network is not compromised. Just using your normal password into the system, you should be able to access all the committee sites.

Ms Blakeman: No, you can't. It doesn't work that way. It only works if you actually have the LAO laptop. It doesn't work coming from another computer or your brother-in-law's computer at the lake. You can't get on, and you can't get on if you're a Mac user.

The Chair: That's the way it should be.

Thank you very much.

Dave, please.

Mr. Taylor: On page 7 – I may be reading this wrong; I'm not sure – I think I see a contradiction. Under Standing Order 59.01(2)(c) it says: "each department's estimates shall receive a minimum of 3 hours' consideration." So the "minimum" word there and "3 hours' consideration." Subsection (6) says: "When the time allotted for a department's estimates has expired or if there are no Members who wish to speak, the Committee may then proceed to the next department's estimates that are scheduled for consideration." I don't see how a department's estimates time allotment can expire if we're only talking in terms of minimum times, and it does say at the top of the page "a minimum of 3 hours' consideration." Am I dreaming, or are you actually considering giving us more time to debate each department's estimates?

Mr. Hancock: No, not so much luck. There are three things you have to read together here: "unless otherwise agreed" at the front end, the "minimum of 3" as the default position – in other words, unless otherwise agreed, every department would be scheduled for a three-hour time slot – then if you're in the middle of your three-hour time slot and nobody wants to speak, the time will be deemed to have expired as it always has, but you don't have to sit around and twiddle your thumbs. You could call another department, or theoretically you could agree to have a department for one hour and hold another department's estimates. I don't anticipate that happening. So it's the "unless otherwise agreed" part which allows the flexibility. Otherwise, you slot every department for a three-hour time slot, and if it doesn't use its full three hours, it's deemed to have done so.

Mr. Taylor: But it does say a minimum three hours' time slot. I get it that if we run out of discussion at the 90-minute mark, we move along, but what if the three-hour limit is hit, and there are still people on the floor wanting to discuss that particular department's estimates? I mean, it's the word "minimum" in there that I'm questioning.

Mr. Hancock: Well, we can take the word "minimum" out.

Mr. Taylor: Well, I just want to make sure we're all on the same page of the program, you know. We could leave it in also.

Mr. Hancock: No, the committee meeting is scheduled from 6:30 to 9:30, so when 9:30 hits, the committee rises and reports.

Mr. Taylor: Okay. So, clearly, it was not your intention to have any department's estimates debated for longer than three hours.

Mr. Hancock: Unless otherwise agreed, which would mean that you would be using a second time slot.

Mr. Taylor: How would that be negotiated? How would that be agreed to? What would the process for that be?

Mr. Hancock: Typically, the way we've been handling it in the last little while is that we make the schedule available to show when ministers might be available. We've worked with the Opposition House Leader to provide options and then work it out as to who is available when.

Mr. Taylor: So it would be negotiated among the three House leaders. Okay. Thank you.

The Chair: Thank you.

I'm going to recognize Rachel, please.

Ms Notley: Thank you. I just have a couple of comments or questions, I think, in most cases. The first one just relates more to the process that we're dealing with here. As you were giving your presentation, you moved into the general issue of how the policy field committees will run although those issues that you identified weren't reflected in your proposed amendment as far as I could find. Maybe I missed it. I was just sort of wondering where that process is because I note from our minutes last time that the plan was that you would consult with the policy field committee chairs, which I understand you did, and also both opposition House leaders. I'm not sure if you've had any discussions with the Official Opposition House Leader, but I know I've not been part of that discussion. I'm just wanting clarification on where we're at with this review of the functioning of the policy field committees and when our opportunity is to get in on that discussion.

8:50

Mr. Hancock: Well, I received no input or feedback on the policy field committees from either of the opposition. I sent a copy of my comments to both of you last Friday.

But I have had discussion with the field chairs, and their issues were around things like research, things like the notice of meetings and the access to meetings. Actually, that was part of the discussion I had – I'm not sure if I had that one with you; I certainly had it with Laurie – on the question of notice to all members and access to materials.

In discussion with the table officers those were suggested to be administrative. So my recommendation would be that we note them in the motion and report to the House that we want all members to get notice and all members to have access to the committee hearings and that that notice, I should have said, be two working days' notice of a calling of a meeting. Those seemed to be the primary areas of concern.

The third one was the in camera, which I've suggested actually be incorporated in the standing orders draft.

Ms Notley: I appreciate that those may have been the primary areas of concern for the policy field committee chairs, but they don't actually reflect the majority of our primary areas of concern. Just looking back in the minutes, the issue of how to deal with your proposed standing order was a separate motion from the issue of how to review how the policy field committees are functioning. Yes, you did send me an e-mail early Friday where you attached the proposed amendments to the standing orders, but you didn't say: oh, and by the way, this is your one chance to get back to me with any and all issues you may or may not have with the policy field committees.

When I looked through that, I thought: "Okay. We're talking about the proposed standing order changes; we're not talking about the policy field committee consultations, which were addressed under a separate motion in the previous minutes." I had anticipated that we would have an actual opportunity to meet and talk about those issues and crystallize some of the concerns that we've identified. Indeed, in the e-mail that I received, you know, I was told: you can try getting ahold of me over the phone, but I'm in meetings all day. Fair enough; I appreciate we're all busy, but I just don't think that that is quite what was contemplated by the motion that's reflected in the meeting minutes from last meeting vis-à-vis consultation with us about how the policy field committees function.

Mr. Hancock: Mr. Chair, in response to that, seeing as we're getting close to 9, I would move that

the Standing Committee on Privileges and Elections, Standing Orders and Printing advise the Legislative Assembly in an interim report that it recommends the amendments to standing orders effective May 21 be made permanent with the amendments which have been tabled and that the committee advise the Assembly that it'll be considering further amendments to the standing orders in its final report, to be submitted to the Assembly before the end of November 2008.

If I can break there, that would provide for any further comments you might have on the policy field committee orders.

Further, the committee recommends that the Speaker adopt the following recommendations in the form of changes to administrative policies and procedures of the Legislative Assembly.

- (i) all members receive notice of committee meetings,
- (ii) all members receive access to committee materials, and
- (iii) all members receive at least two working days' notice for policy field committee meetings.

With that, I believe we could meet the requirement that we have to report to the House by October 30 with an interim report.

I think the proposed standing orders amended as I had suggested – in other words, taking out the brackets and comments – including a provision for policy field committees to meet in camera, putting two hours into clause (d) on page 7, deleting (3) under 61 on page 10, and I would say adding the one month's notice if it needs to be added with respect to the bill draw: those would be provided to the House as part of the interim report, and then we could meet again and deal with anything that is left over. I think it's fairly comprehensive, but there might be some edges that we want to look at.

The Chair: Thank you very much.

We have a motion, so go ahead and comment.

Ms Notley: Okay. I was actually speaking, and I had about three issues, so we've kind of moved on one. I guess if you want to deal with that . . .

The Chair: We're very close to being out of time.

Ms Blakeman: Well, we started 15 minutes late.

The Chair: This is correct. The meeting will be over at 9 o'clock.

Ms Notley: So could I finish with my comments since that's where we were?

The Chair: Yeah. Go ahead, please.

Ms Notley: As Mr. Hancock already mentioned, another amendment that I'd like to see in this is a reference to the obligation to consult with the third-party House leader with respect to the scheduling of the estimates in the policy field committees. Needless to say, it should be pretty obvious on its face that if you have two sets of estimates running at the same time and only two members in the third party, we would benefit from some input into how those are scheduled. Really, to not include that is, I think, a very overt statement on the record about the interest this government has in terms of ensuring opposition participation, which is what I'd mentioned yesterday to Dave.

I'm hoping that there will be some willingness to amend that to ensure that the third-party House leader is specifically referenced in those standing orders as someone that needs to be consulted in terms of the scheduling. Obviously, it would have been better that there actually had to be agreement between them, but as the government has decided to move away from that, at the very least we need to be consulted on how these are scheduled if there's any hope of our being able to participate in the legislative process. I would ask that that amendment be considered.

The Chair: Thank you.

I'm going to ask the table officers if they feel they have enough information to proceed at this point with the motion that Dave has made.

Dr. McNeil: I just had a question for clarification. In terms of the recommendation to the Speaker when you discussed it earlier, you said: all members to receive notice of policy field committee meetings. In your statement on the motion you said: notice of all committee meetings. I just wondered if there's a differentiation there or clarification needed between policy field committee meetings and all committee meetings.

Mr. Hancock: I would say all committee meetings. Members are entitled to attend all committee meetings and participate in them but not vote.

Dr. McNeil: My concern – and maybe we'll work out a mechanism – is that there are some members that get so inundated with e-mails that some may indicate to us: "Sorry. I don't want any indication of meetings that I'm not involved with." At least, we'd like to have that possibility that members can advise us that they don't want certain notices.

Mr. Hancock: This is administrative. I think you could build that in.

Dr. McNeil: Yeah, we can do that.

Mr. Hancock: Entitled means that they're entitled to get it, not that they have to get it. If they say that they don't want it, I think they have dealt with that issue.

Dr. McNeil: That's fine. The first statement of the motion said PFC meetings, and the second one said committee meetings. If it's committee, that's fine. I just wanted it to be clarified. That's all.

The Chair: Any other comments? Laurie, go ahead, please.

Ms Blakeman: Thank you. The Government House Leader has neatly pre-empted any other commentary here by putting the motion on the floor, but I want to be very clear in expressing my concern that the government not use what is in here as subsection (6) for any kind of mischief. That is, the first hour and a half of these estimates debates are essentially assigned to the opposition. If the government members collude and decide not to ask any questions and that is deemed to be the end of the discussion and we have to move on to a new department, that's now requiring opposition members to essentially schedule critics and everyone else to do two departments a day. I want to be clear that I would expect that the Government House Leader and other leaders in the government would not allow that kind of mischief to take place. If there's a genuine agreement that everybody is done, fine, then move on, but not to use this as an opportunity to catch the opposition members out.

Mr. Hancock: Section 4(d) allows any member to speak, so if government members did not speak, then the opposition could certainly speak up. It's not precluding anything.

Ms Blakeman: Yeah. But we have so few people on these committees that somebody going to the bathroom could be a good enough excuse for them to call the end of the meeting. I just want to make sure that there's no mischief here.

9:00

Mr. Hancock: They're also scheduled, so I think the schedule takes care of that issue.

The Chair: Rachel.

Ms Notley: Thank you. I'd like to go back to my previous issue. I was raising comments, and then we sort of had a motion tabled in the middle of my raising comments. Then I went back to raising my comments, and now we're back to the motion that was tabled before I raised my comments. I'm asking the chair how you might recommend I go about ensuring that my request that this be amended to include reference to the need to consult with the third-party House leader be included in the motion that we're dealing with now.

The Chair: If we meet again next week, I believe that we'll have opportunity to deal with those suggestions.

Mr. Hancock: If the committee doesn't have any objection, I would consider that a friendly amendment and just put it in.

Hon. Members: Agreed.

The Chair: Rob wanted to make a comment.

Mr. Reynolds: Just so I'm clear on the motion. You asked if the table officers were clear. As I understood Mr. Hancock's motion, it was that the bulk of the package that was submitted before you would constitute the interim report. There were certain points concerning the policy field committees, as I followed the discussion, that would be pulled out, that would be the subject of some discussions outside this committee and would be the subject if there was

another committee meeting next week. Those comments would then reflect the final report, the recommendations flowing from that. Mr. Hancock, was that your intention when you moved the motion? Then, of course, there were the administrative matters.

Mr. Hancock: Well, there's nothing to be pulled out in camera to be inserted in. The availability of the next meeting to deal with any additional items that might come along, of course, would afford an opportunity to change anything that's in here that people decided.

Mr. Reynolds: Just one small point. The one month's notice of the Speaker's bill draw: that would be the usual format. However, we're just looking for some flexibility after an election because after an election if the session is called, the Speaker may not be able to provide one month's notice because of the timing of the election and the reconvening of the House.

Ms Blakeman: Can the wording not reflect that, that there are different circumstances immediately following an election?

Mr. Reynolds: Well, we could work on that, but no. That's why we . . .

The Chair: I think that's possible.

Dr. McNeil: I guess the other change in this would be the friendly amendment you just proposed in terms of the consultation with the

opposition House leaders – correct? – the third-party House leader.

Mr. Hancock: Yeah.

The Chair: Okay. Thank you very much.

What I'd like to do is actually vote on Dave's motion, including Rachel's friendly amendment. All those in favour?

Hon. Members: Agreed.

The Chair: That's carried.

What we need to do now is schedule another meeting. I'm just looking at the same time next week, Tuesday morning, if that's agreeable. You know what? If we can't decide now, what we'll do is poll the members to find out when we can do it, but we have to have it fairly soon next week.

Beyond that, I'm looking for a motion to adjourn.

Mrs. Forsyth: So moved.

The Chair: All in favour?

Hon. Members: Agreed.

The Chair: We're adjourned. Thank you.

[The committee adjourned at 9:03 a.m.]

