



Legislative Assembly of Alberta

The 29th Legislature
Second Session

Standing Committee
on
Privileges and Elections,
Standing Orders and Printing

Wednesday, September 14, 2016
10 a.m.

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**Legislative Assembly of Alberta
The 29th Legislature
Second Session**

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

Fitzpatrick, Maria M., Lethbridge-East (ND), Chair
Babcock, Erin D., Stony Plain (ND), Deputy Chair

Carson, Jonathon, Edmonton-Meadowlark (ND)
Coolahan, Craig, Calgary-Klein (ND)
Cooper, Nathan, Olds-Didsbury-Three Hills (W)
Ellis, Mike, Calgary-West (PC)
Goehring, Nicole, Edmonton-Castle Downs (ND)
Hanson, David B., Lac La Biche-St. Paul-Two Hills (W)
Kazim, Anam, Calgary-Glenmore (ND)
Loyola, Rod, Edmonton-Ellerslie (ND)
McPherson, Karen M., Calgary-Mackay-Nose Hill (ND)
Nielsen, Christian E., Edmonton-Decore (ND)
Orr, Ronald, Lacombe-Ponoka (W)*
Schneider, David A., Little Bow (W)
Starke, Dr. Richard, Vermilion-Lloydminster (PC)
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* substitution for David Hanson

Also in Attendance

Mason, Hon. Brian, Edmonton-Highlands-Norwood (ND)

Support Staff

Robert H. Reynolds, QC	Clerk
Shannon Dean	Law Clerk and Director of House Services
Trafton Koenig	Parliamentary Counsel
Stephanie LeBlanc	Parliamentary Counsel
Philip Massolin	Manager of Research and Committee Services
Sarah Amato	Research Officer
Nancy Robert	Research Officer
Corinne Dacyshyn	Committee Clerk
Jody Rempel	Committee Clerk
Aaron Roth	Committee Clerk
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10 a.m. Wednesday, September 14, 2016

[Ms Fitzpatrick in the chair]

The Chair: Good morning. Welcome to the meeting of the Standing Committee on Privileges and Elections, Standing Orders and Printing. I am Maria Fitzpatrick, MLA, Lethbridge-East, and chair of the committee.

I'd ask that members and those joining the committee at the table introduce themselves for the record, and then I will call on the members joining us via teleconference to introduce themselves. So to my right.

Ms Babcock: Erin Babcock, MLA for Stony Plain and the deputy chair of this committee.

Loyola: Rod Loyola, MLA for Edmonton-Ellerslie.

Mr. Nielsen: Good morning. Chris Nielsen, MLA, Edmonton-Decore.

Ms Goehring: Good morning. Nicole Goehring, MLA, Edmonton-Castle Downs.

Mr. Carson: Good morning. Jon Carson, MLA, Edmonton-Meadowlark.

Mr. Coolahan: Craig Coolahan, MLA, Calgary-Klein.

Mr. Ellis: Mike Ellis, MLA, Calgary-West.

Mr. Cooper: Good morning. Nathan Cooper for the outstanding constituency of Olds-Didsbury-Three Hills.

Mr. Orr: Ron Orr, Lacombe-Ponoka, sitting in for committee member David Hanson.

Mr. Reynolds: Rob Reynolds, Clerk of the Legislative Assembly.

Dr. Massolin: Good morning. Philip Massolin, manager of research and committee services.

Ms Dean: Shannon Dean, Law Clerk and director of House services.

Mrs. Sawchuk: Karen Sawchuk, committee clerk.

The Chair: Now I'll ask those on the phone. Dr. Starke.

Dr. Starke: Yes. Good morning. Richard Starke, MLA, Vermilion-Lloydminster.

Ms Kazim: Anam Kazim, MLA for Calgary-Glenmore.

Mr. Schneider: Good morning. Dave Schneider, MLA for Little Bow.

The Chair: Again, for the record I would also note the following substitution, Mr. Orr for Mr. David B. Hanson.

Now, before we turn to the business at hand, a few operational items. The microphone consoles are operated by the *Hansard* staff. Please keep cellphones and BlackBerrys on silent and off the table as they can interfere with the audiofeed. Audio of committee proceedings is streamed live on the Internet and recorded by *Alberta Hansard*. Audio access and meeting transcripts are obtained via the Legislative Assembly website.

I'm going to add one more thing. I'm hearing impaired, so if you would, please speak into your mikes when you're speaking. Thank you.

Now for the agenda. Would a member move the adoption of our meeting agenda?

Mr. Nielsen: So moved, Chair.

The Chair: Mr. Nielsen has moved that the agenda for the September 14 meeting of the Standing Committee on Privileges and Elections, Standing Orders and Printing be adopted as circulated. All those in favour? Any members opposed? Seeing none, the agenda is adopted as presented.

We're moving on to the minutes from our last meeting. Are there any errors or omissions to note? I need a motion.

Loyola: I so move, Chair.

The Chair: MLA Loyola has moved that the minutes of the June 22, 2016, meeting of the Standing Committee on Privileges and Elections, Standing Orders and Printing be adopted as circulated. All in favour? Opposed? Okay. The motion is carried.

Now we move to oral presentations, assessment of the operation of morning sittings of the Assembly. We will begin with the Hon. Brian Mason, Government House Leader and Minister of Infrastructure. Welcome, Minister Mason.

Mr. Mason: Good morning, Chair Fitzpatrick and members of the committee and staff. It's great to finally meet the no-meet committee.

I appreciate very much the opportunity to speak to the question of morning sittings of the Assembly and how that's worked out. We undertook last year to consult with members of all parties about potential changes to the standing orders. While we didn't completely agree on everything, there was a broad consensus that we needed to shift away from an overreliance on night meetings, evening meetings, which had been a standard practice in the Assembly for, well, certainly at least as long as I have been here. We wanted to make the Legislature more family friendly for people with children and so on, and I think there was a strong view that the best way to do that was to try and reduce as much as possible the need for sittings in the evening.

Having made that commitment, we still need to preserve the possibility of evening sittings in order to make sure that the Legislative Assembly gets the work done in a reasonable period of time. That is something that has been reserved by governments in the British parliamentary system, certainly as far as I'm aware, going back almost to the beginning. It's an essential part, but it is the government's intention to minimize that as much as possible. Ultimately, in the end, if there's a very contentious bill and the opposition feels very strongly about it and works very hard to delay the bill, which is their right and their job, then we sometimes will have to resort to evening sittings.

We are actually sitting longer now than we were before, and in my view that is a good thing. Alberta has traditionally sat fewer hours and certainly fewer days than most other Legislatures in the country, and I think this was a point of considerable criticism, that we didn't have enough time to really go through the bills in a proper and fulsome way.

I'll start if I can with slide 4. Have you got the slide deck? You've got this, and we've got it on the screen as well. Okay.

Dr. Starke: Excuse me. Sorry, Minister Mason. I apologize for interrupting, but is there some way that Minister Mason's presentation could be e-mailed to those of us who are teleconferencing in? We are, unfortunately, bereft of the opportunity to see what is no doubt a highly informative series of slides, graphs, and charts, I'm sure, that he's about to present to us.

Mr. Mason: There are lots, and I apologize for that oversight.

The Chair: Dr. Starke, the clerk just forwarded it to you via e-mail.

Dr. Starke: Thank you very much.

Mr. Mason: Okay. Pardon me. I think that's slide 3.

We did sit a significant number of hours this spring, but evening hours, as you can see in the slide, have amounted only to 12 per cent of the total hours that we sat, a reduction of almost 50 per cent from the average of 22 and a half per cent over the last seven sessions. That means that previously almost a quarter of all hours were during the evening, and in the last session we cut that down almost by half.

I would also like to note that the last sitting was the longest in the past decade without the use of time allocation. There are only a couple of other sessions that have not used time allocation. The 28th Session – well, never mind. That's confusing. As a member of the opposition for quite some time I appreciate that morning sittings could mean more time to debate contentious bills without the government of the day having to resort to time allocation as often as historically was the practice.

The next slide shows the percentage of evening hours which took place during the final two weeks of sittings, and we can see that evening hours are occurring less in the regular part of the session. What this graph shows is that while there were evening sittings since we've introduced the morning sittings, they're concentrated right at the very end and are not a routine part of the daily Routine of the Assembly.

10:10

Another way to look at this is that when we excluded the last two weeks of the sitting, only 8.7 per cent of evening sitting hours occurred during the rest of the most recent spring sitting, and that compares with a high of 53 per cent during the First Session of the 28th Legislature and an average of 26 per cent in the six sessions before that. Trying to use evening sittings in the last two weeks allows for a more consistent and predictable time schedule.

The next slide shows the percentage of sitting days that had evenings for the last few sessions. So far this session 18 per cent of sitting days have had evenings, and this compares with an average of 31 per cent since 2010.

That is essentially my presentation. In my view, the morning sessions have had the impact that was intended – and that is to reduce the reliance on evening sittings – and, I believe, make the Legislature more family friendly for MLAs.

There are a number of other possibilities for the morning sessions that I'd like to put out for discussion, one of which is done in Ontario. They defer votes. In other words, any votes that would be taken during the morning session would then automatically be deferred until after the Routine in the afternoon. That would have the advantage of allowing, potentially, a reduction in the quorum that was necessary in the morning. We couldn't put Committee of the Whole in the morning because there are all kinds of amendments and subamendments and so on, so it really wouldn't work. It would have to be in the afternoon. But for just regular bill debate that's a possibility.

Another possibility, which is, I think, going to be difficult for the smaller parties – I certainly know from our experience that it would have been difficult – would be to allow the committees to sit simultaneously with the House during the mornings. Now, if you're a single-member caucus, that's going to present you with some real difficulties if you're a member of a committee and you want to speak to a particular bill. But these at this point are just ideas for consideration.

My submission is that the morning sittings have worked well, that they've accomplished their goal of reducing the evening sittings, and I think have also reduced the need for time allocation, which, I'm sure, will be satisfying to opposition parties. I believe that they should continue. We should continue with the morning sittings.

The Chair: Thank you very much, Minister.

Now I'll open the floor to questions. I'll do the floor here, and then I'll come to the members that are on the phone. MLA Cooper.

Mr. Cooper: Thank you, Chair, and thank you, Minister Mason, for your presentation this morning. I, too, will make a presentation momentarily, and some of that will, I guess, be followed up on in the presentation, but I thought I would just ask a couple of questions in case you were heading out prior to the end of the meeting.

I guess just a couple of quick comments with respect to the need for night sittings and/or the requirement for time allocation. I think much of the reason why we are here is not only because of the morning sittings but because, I think, generally speaking, there's been a strong working relationship between all of the House leaders in the Assembly. We have worked together to ensure that legislation isn't needlessly hung up or getting distracted by the politics of the day and more so moving along in what are often reasonable timelines.

You know, oftentimes these sorts of things are a bit cyclical to election periods, and as we move further down the line, it's possible that the desire for co-operation is less. I hope that's not the case, but that's certainly what we've seen in the past. I think part of the reason is that we have had good co-operation up to this point, so there really, you know, has been fairly little pressure on the government to do things like time allocation or have lots of night sittings. I will, you know, indicate in the presentation that there are many things about morning sittings that we've been pleased with and that it was a recommendation from us.

I do, however, have some concerns and hope that you might be able to just expand a little bit on some of the potential options for consideration as we will likely deliberate around this table at a later date those potentials more fulsomely. On the chance that you won't be here, I guess I'm curious to know what benefit reducing quorum would have. You know, it seems to me there is very little that's more important about what is going on inside the precinct than what's happening inside the Assembly. Is reducing quorum adding to the effectiveness of the Assembly? If you could highlight – I guess as a former member of a four-member caucus I know that the Premier has had some pretty strong opinions in the past about committees sitting when the House is sitting – why you think that would be of benefit now, and then just if you could briefly expand on the vote deferral system and how you might see that working and how that will make mornings more effective.

Mr. Mason: Okay. Thanks very much for the question. First of all, with respect to committees meeting during the sitting of the Assembly, that's not a position that I'm endorsing or advocating, but we wanted to put forward some potential options for going forward with the morning sittings. I very much appreciate, you know, what it's like to be a small caucus in opposition and to try to keep all the balls in the air that get thrown at you.

I think with respect to morning sittings, again, I'm not wedded to reducing the quorum, but it would be possible if we deferred votes. That's all I'm saying. The advantage of deferring votes is that all the parties don't have to be in the House on red alert with a full group. I know that the concern has been expressed from some members of the opposition that morning meetings mean it's more difficult to do all the other work that MLAs are expected to do, so

that is the advantage of deferring the votes. Quorum of the Assembly is only 20, so I don't really think that that is really high. You know, I think that's a pretty reasonably low number. But the deferring of votes, I think, would mean that both sides could relax a little bit. They wouldn't have to have so many members in the House in case of a surprise vote, and we could use the time to debate bills. Members want to get on the record on bills, and that would provide an opportunity for them to do that.

The Chair: Thank you, Minister.

I now have a question from MLA Carson.

Mr. Carson: Thank you, Chair. Thank you as well, Minister, for your time today and your presentation as well. I'm just wondering: from an Infrastructure point of view can you discuss the budget implications morning sittings have had on your portfolio?

Mr. Mason: Negligible.

Mr. Carson: I have one more question as well, Chair. Thank you. You now have experience as a member of the opposition as well as in government. I'm hoping that you can discuss how evening sessions were handled in the past and how it impacted your work as a legislator.

10:20

Mr. Mason: Well, they were fairly routine under the previous government. They would usually start a session – maybe we would go a week or two without evening sessions, but then they were routinely brought in and were a regular part of the Assembly's business. In those days we didn't reconvene in the evening till 8 o'clock, and we would normally start out going to about 10 o'clock every night. Then about halfway through the session they'd slowly start ramping it up. I believe, in my experience, the previous government was pretty consistent in wanting to be finished by the May long weekend, so in the last week or so, maybe two weeks, sometimes we would, you know, start taking it well past midnight.

Mr. Carson: Thank you.

The Chair: Okay. I do have one more question from the phone, but before I do that, Minister, you provided some questions and answers. Did you want those questions to be read in and provide the answers? What would you like to do with that question-and-answer sheet on Infrastructure?

Mr. Mason: Oh. Well, that was just that we were trying to get some information for the committee with respect to the impact on – I don't think I have it here. No, I don't. Just some information on the impact on the operation of the place as a result of it. There's no significant impact on the operations or the costs of operating the Assembly.

The Chair: Okay. Thank you very much, Minister.

Now for the next question on the phone. MLA Kazim.

Dr. Starke: Excuse me, Chair. I apologize for interrupting. How exactly do we get onto your speakers list? I would like to ask the minister a couple of questions as well.

The Chair: I will put your name down right now, Dr. Starke.

Dr. Starke: Brilliant. Thank you.

The Chair: MLA Kazim.

Ms Kazim: Thank you, Madam Chair, and thank you, Minister, for your time and presentation today. I would like to know: in your capacity as Government House Leader how would you like to describe the impact morning sittings have had on the Assembly, especially when you compare it with the previous sessions and your experience in the House for many years? When we switched to morning sittings during this session, how would you describe this change in terms of what you've noticed in terms of the changes of the proceedings or the operations or overall impact?

Mr. Mason: I don't really see a significant impact. I personally am a night owl, and I used to really like the late-night sittings. You know, mornings are not my forte, but I think overall the function of the Assembly has been essentially the same.

Ms Kazim: Okay. My other question: what do you think the difference is, exactly? Like, what factors are involved when there's a need to call sittings for morning, afternoon, and evening, for all three sittings?

Mr. Mason: Well, that's a difficult part. You know, that's been part of the criticism of the approach to morning sittings, but sometimes you just have to expand the amount of time available to debate so that the government can get its legislation through while allowing the opposition to do its job, which is to delay legislation that they disagree with and to seek amendments to that legislation. The problem is that if you need to extend the hours of sittings in order to finish that work in a timely fashion, you can't just start earlier. You can't sort of say: well, we're going to start at 5 a.m., by expanding the morning sitting. The only thing you can do is to have an evening sitting, but we've been, I think, quite successful in reducing the evening sittings. I know that that is hard on people, but it's going to be the same amount of time in debate however it's distributed in the clock.

Ms Kazim: Okay. Thank you very much.

The Chair: Okay. Dr. Starke.

Dr. Starke: Well, thank you, Madam Chair, very much, and thank you to the minister for his very colourful presentation. I appreciate it. The analysis I find interesting in terms of having done statistical analysis on a number of scientific papers as well. You know, quite frankly, I think that the estimates process, which we have had in two out of the three sessions that we've had thus far, including both of the sessions that went for any length of time, significantly skewed the analysis and significantly reduces the number of available evenings for evening sittings. So while the minister is busily patting himself on the back for reducing the number of evening sittings, it is in fact more a function of the rules of the House as opposed to not using evening sittings. We had no evening sittings, clearly, in the very first session that came to a halt just after the House was reconvened after the election.

But in both the fall of 2015 and spring 2016 we had estimates because we had a budget in both of those sessions. So, you know, to be truthful, I think that using the data from the last fall session and this spring session to analyze the efficacy of reducing evening sessions is a little bit misleading. I just want to have those comments very clearly on the record. I don't feel that at this point the analysis can be termed to be complete in any way because the estimates process very clearly changes the availability for evening sittings.

I do have a couple of questions for the minister, though. One question that I do have, Minister, is: with morning sittings starting at 9 a.m. on Wednesdays and Thursdays, one thing that we have

observed as members of the opposition is that cabinet ministers rarely attend the morning sittings at all. Is that because cabinet meetings are happening while those sittings are going on?

Mr. Mason: I think that's often the case, Member, yes. Not just cabinet meetings, but there are cabinet committee meetings as well, Treasury Board, as you know, and so on.

Dr. Starke: You know, from my standpoint, I will tell you that as an opposition member looking across at an empty row of chairs in cabinet positions during debate on issues is disconcerting. I think that cabinet, I'm sure, is interested in what is being said during the course of these meetings, but morning sessions, as you correctly pointed out, the 9 till noon, make it difficult to have both cabinet meetings, Treasury Board, Agenda and Priorities or whichever other committees that you have. I would express a concern with regard to that.

I'm just going to go back a second to your recollection of evening sittings. Now, the 8 o'clock one is interesting because my recollection is that the reconvening of the evening sessions has been at 7:30 at least since 2012. You're saying that prior to 2012 it was 8 o'clock?

Mr. Mason: Yeah.

Dr. Starke: Okay.

Mr. Mason: Wasn't it? Am I correct? I just want to check with the staff because I'm pretty sure that it was 8 o'clock.

Ms Dean: The evening start time changed around 2007, 2008, from 8 o'clock to 7:30.

Mr. Mason: From 8 to 7:30. Okay. Did you get that, Richard?

Dr. Starke: Yeah, I did. I mean, I'm not sure if maybe you just kept showing up at 8 even though we got going at 7:30. I don't know that one way or the other. That's neither here nor there.

Mr. Mason: No, because you weren't there.

Dr. Starke: I guess what I will say, though, my observation – and this is relating back to Member Kazim's question as to what my recollection of the evening sittings was, and that was that the attendance on behalf of the smaller opposition caucuses, both the Liberal and the NDP caucuses, was usually very, very sparse. My recollection is that in most of the evening sittings that we had there would be one out of the four or even none out of the four members of the NDP caucus and one or none out of the five members of the Liberal caucus for most . . .

10:30

Mr. Mason: During that time it was very rare that we were unable to have at least one member in the House in the evening even when we had two seats, hon. member. But yes, we, like the government, ran shifts to cover the Assembly, only the government could have three shifts with full quorum, and we sometimes could only manage to have one person there. We tried to have two.

Dr. Starke: Okay. Fair enough.

I guess my other question, then, would be just going back to the suggestion and the possibility of a vote deferral. Just so that I'm clear on this, Minister, that would mean by necessity that Committee of the Whole would not convene in the morning? Is that what I heard you say? Is that correct?

Mr. Mason: Yes. It wouldn't work with Committee of the Whole. There are too many motions and subamendments and so on.

Dr. Starke: Okay. The debate on bills could go ahead and be conducted in the morning, but the votes on specific matters with regard to those bills could be deferred, for example, until immediately after question period in the afternoon or become part of Orders of the Day in the afternoon?

Mr. Mason: Yes. I think just at the beginning of Orders of the Day, after the Routine. It would also have the advantage of giving a guaranteed time for members who wanted to be recorded in the vote to be present.

Dr. Starke: Fair enough. Quite frankly, I think the idea of vote deferral is one that members of our caucus would also support. One of the realities that we do now face in that vein is that there is a longer distance from the Federal building over to the Legislature. When there is a division in the mornings, you know, quite often our members that are not necessarily present in the House will want to participate in that vote, but basically by the time you make your way over, participate in the division, and return to your office, it's a half an hour.

Mr. Mason: Uh-huh.

Dr. Starke: You know, quite often that half an hour is being used to prepare for question period or prepare statements or addresses for other pieces of legislation. So, quite frankly, I think the vote deferral is a good idea, and I'd like to see us pursue that.

Mr. Mason: I would just add to that, hon. member. I mean, we might even, as a result of House leaders' agreements, make sure that votes on important bills for second or third reading were in fact deferred so that people would be able to be present for the vote at a specified time.

Dr. Starke: Yeah. I think the opportunity, especially in the case of divisions, to be on the record and have one's vote recorded in a division is always desirable. You know, it allows constituents to see very clearly where you stood on specific issues. I do think that's a benefit.

There's one other thing that I just want to ask the minister while he's still with us, and it has to do with private members' business. I have for some time had a concern about private members' business occurring on Monday afternoon. It is my opinion that private members' business gets eroded by a number of things. Quite often Mondays, not so much in this Legislature but in the past Legislature, seemed to be a day where there were a lot of points of order that had to be argued and ruled upon.

The second matter of business that happens on Mondays is written motions and requests for returns, and that, too, can erode into private members' business. I am of the opinion, quite frankly – I was when I was a government member and continue to do so in opposition – that private members' business should have some degree of paramountcy in the discussions that we have. I'm wondering if the minister had any consideration of moving private members' business either to a reserved time on Monday evening rather than Monday afternoon or, alternatively, to one of the morning sessions so that there's a full three-hour slot for private members' business that would be at least relatively – I won't use the word "sacrosanct" – more protected so that private members' business would not be demoted the way it has been in the past, whether that was something that was being considered or that the minister would consider.

Mr. Mason: I'm certainly prepared to consider that. I think that's not before the committee at the present time, but certainly we could be subject to some discussions amongst House leaders.

Dr. Starke: Okay. Good.

Minister, thank you again for your presentation. I do appreciate it. We'll no doubt have more discussions with regard to evening sittings.

Mr. Mason: Thank you.

The Chair: Okay. I think we have another question from MLA Cooper.

Mr. Cooper: Thank you, Chair. Just a couple to follow up on, and then I think that will be it for me. I guess, with respect to the presentation and the slide around the last two weeks of sittings and those requiring nights, I think, further to Dr. Starke's point of estimates playing a significant role in that, we have seen, certainly in the last session, the government make decisions around when they introduce substantive legislation and, as such, requiring evening sittings. We saw in the last session the budget introduced quite late, comparatively speaking.

Mr. Mason: Pretty much in the middle if you look back 10 years or so.

Mr. Cooper: I think it was the seventh- or the sixth-latest presentation of a budget since '93 or something. I recall standing in the House speaking to that point.

Also, we saw the government's flagship piece of legislation, in the form of the carbon tax, not introduced until the last two weeks of the session. So to say that we only sit at night in the last two weeks – one of the challenges with sitting morning, noon, and night in the last two weeks is that it certainly doesn't move towards a family-friendly environment. As well, the government introducing, really, what is their significant, substantive piece of legislation in the last two weeks presents a challenge for the opposition to be able to consult with Albertans and stakeholders on what is very important legislation while the government is taking steps to use the rules of sitting morning, noon, and night to their advantage.

While I appreciate the statistics that have been brought forward – and I again will reiterate that I think many things about mornings are positive and a step in the right direction and an idea that we suggested. To say that we only sit nights in the last two weeks of session is also to say that – and maybe this is a bit of an overstatement – the government is utilizing the rules to get through the contentious pieces of legislation as quickly as possible with as little scrutiny because the opposition certainly didn't have the legislation to do much outreach on. I think you'll recall that the legislation was introduced on a Monday, and we began second reading of a piece of legislation that was over 100 pages long on the following day, the Tuesday.

There are lots of good things here on morning sittings, but the rules of being able to sit morning, noon, and night certainly continue to favour the government when it comes to the end of session and the government trying to accomplish their goals, with a negative impact to the opposition. I think that is a fair point to have on the record and to highlight.

The other thing that I might add is that if – and I appreciate your position that these are ideas and potentials but not necessarily fully committed to them. But, certainly, these things, including vote deferrals, allowing committees to sit while the House is sitting, and reducing the quorum, are all potentials, in my opinion, that have a significant benefit to the government and very little benefit to the

opposition. It appears to me that if these three – and I'll be happy to use "ifs" – wind up being recommendations of this committee, essentially what we're doing is that the government is saying, "We want to continue to have morning sittings, but we want to make them as ineffective as possible" because that's what deferring votes will do. I recognize that there are some benefits to deferring votes, but as Dr. Starke already identified, cabinet ministers are often busy in the morning and are rarely available for debate, and if we defer the votes and reduce quorum, that challenge is going to be magnified, not minimized.

10:40

I look forward to continued debate around these issues, but I wanted to get those comments on the record while the minister was here so that if he wanted to speak to any of them, he had an opportunity. But I think there are some real challenges with vote deferrals. I recognize some of the points that Dr. Starke makes, and some of those have merit, but the downside of vote deferral is making the morning as inefficient and as ineffective as we can while still allowing the government to have their ability to run the opposition out in the last two weeks of sessions by sitting in the morning, noon, and night.

I guess I'll just throw you a question here, you know. As a member of a former opposition team of four . . .

Mr. Mason: And two.

Mr. Cooper: And two, yes.

. . . if the Government House Leader of the day, Mr. Hancock, had come and introduced these three things – in the past members of your former caucus have spoken to a number of these issues – my guess is that they wouldn't have agreed. If he had done that then, do you think you would have accepted them with open arms?

Mr. Mason: I think that's very speculative.

Mr. Cooper: Clearly.

Mr. Mason: You're asking me to speculate. But, you know, I will remind the hon. member that when I talked about allowing committees to sit while the House is sitting, I identified the difficulties that would create for smaller opposition parties, referenced my own very lengthy time in opposition, and indicated that I wasn't recommending it.

With respect to some of the other comments – you know, the late introduction of important legislation – all legislation is important, hon. member, and there are other pieces of legislation as well that have to be dealt with. Often the determination of the timing is not government tactics as much as it is the amount of work that's required in order to get the legislation into shape to be debated in the Legislature. I think one of the things that also accounts for – with reference to your point about us putting important pieces of legislation on at the end, one of the reasons as well that we've been able to reduce night sittings is that the government has had a willingness that didn't exist in the past to actually extend sittings from time to time in order to get the business of the Assembly accomplished. So that's, I think, another important thing that should be noted.

I don't agree with your characterization of attempting to turn the mornings into ineffective periods of time. I think that there are different functions in the Legislature that we all perform, including debating bills at second and third reading, making sure that our comments get on the record so that our constituents and the public in general can see where we stand on different pieces of legislation. And then, of course, there's the other work of making amendments

and trying to improve legislation, which obviously can't be done in the morning. So I don't agree with your characterization that it would make mornings ineffective. It simply is a way of dividing the work of the Assembly, all of which has to continue and none of which is unimportant.

The Chair: Thank you very much, Minister. We certainly appreciate your presentation and taking the time to answer the questions that were brought forward by members of the committee.

If there's a question that may be outstanding or if you wish to provide any additional information, please forward it through the committee clerk by next Friday, September 23.

With that, thank you very much.

Mr. Mason: Thank you very much.

The Chair: Our next presenter is committee member MLA Cooper in his role as Official Opposition House Leader.

Mr. Cooper, you have up to 10 minutes for your presentation, followed by questions from the committee members.

Mr. Cooper: Excellent. Thank you, Chair. I appreciate the opportunity to be able to share some thoughts with the committee on behalf of the Official Opposition in my role as the Opposition House Leader. I concur with Minister Mason's comments. It's so great to be with you all again. You know, at least it didn't take us a decade from the last time that we met here prior to the summer, which, as we all know, has been the tradition of this particular committee.

I'm pleased that we are talking about the functioning of the Assembly. Many of my colleagues will know that this is in my top three favourite things to talk about, how the Chamber works and the rules of the Assembly. Much to their chagrin at how often I like to talk about the standing orders, it is great that we have an opportunity for super nerds like me to talk about this important work. I might add that it truly is important work when we talk about the function of the Assembly, the role of democracy. In our context much of that is reliant on the effective use of those standing orders, so it is critically important. While I'm sure there aren't thousands of Albertans tuning in this morning to hear the discussion, it is a very important discussion and very important work that we do.

I would like to recommend that we have a more fulsome review of the standing orders not just on morning sittings, but there are many issues inside our Assembly that could use to be discussed and reviewed so that we have an Assembly that works, most importantly, for Albertans that would like to engage in the Assembly but, equally as important, for LAO staff, table officers, and of course elected officials.

I'm not sure exactly how true this statement is, but certainly one of the reasons why we're here this morning to discuss morning sittings is because shortly after the May 5 election the Wildrose Official Opposition wanted to ensure that the House worked better for Albertans, for all parties in the House. With that desire in mind we produced a document called restoring trust in democracy. I really believed and I continue to believe that the new government had and has an amazing opportunity to make substantive changes to the way the Assembly works. I'm sure that there are some members of this committee that will disagree with this statement, but after 44 years of single-party rule a strong case could be made that the rules of our Assembly had become very much in favour of the governing party. A crossjurisdictional look at other Assemblies confirmed that.

As a result, one of our recommendations in that document, restoring trust in democracy, was in fact to include morning sittings. It was one of the recommendations in the combination of 12 other

recommendations. Many of those 12 recommendations also would have had a direct impact on morning sittings. One of the examples that I would like to use and is shown in the research document as well is what happens across our great land. One of the recommendations that we made was that there would be a limit to night sittings unless there was unanimous consent of the House to go past – in the document it said 9:30, but upon further reflection I think it's much more reasonable for that time to be 10:30 or 11, the point being that it would then require unanimous consent of the House to go past a certain time.

As we see in a number of other jurisdictions, they all have a stop time, whether it's 10 o'clock in Saskatchewan – I'm just looking for the document here. My apologies. It's, I believe, not past 12 a.m. in the House of Commons. It is before you.

10:50

One of the significant risks the opposition and, frankly, Albertans face is the government utilizing morning sittings, the noon sitting, and the evening sitting to end the debate or to conclude a session. We, the opposition, recognize that there are times when emergency debate should continue, which is why inside our recommendation on evening sittings – it was to provide an avenue for unanimous consent to go past the time that at that time we'd chosen, which was 9:30. I would likely suggest probably 10:30 moving forward. It's not that the opposition is totally opposed to continuing debate and, as sometimes it's described, slowing down debate or slowing down legislation. The opposition is willing to make recommendations that can best work for the Assembly.

We have significant concern with the government's ability to continue sitting morning, noon, and night. While we appreciate the fact that evening sittings have been reduced – that is a direct result of having the morning sitting – we do remain concerned about the rules favouring the government's ability to introduce legislation one day, debate it the next and then the following morning, noon, and night as we progress towards the end of a session.

One of the challenges that that presents for the opposition is that the Government House Leader's office, while they do their very best to communicate with the opposition, sets out the daily debate and order of business on that day, so often if we sit late into the evening, what is projected government business for the next morning is not known to the opposition until the close of sitting. Now, having said that, the Government House Leader's office does try to guess at what might be up in the morning, but it is often not certain until the close of debate. If there is no hard close time on the debate, it certainly presents a challenge the following morning for the opposition to be prepared for debate. Now, at the end of session when there's only one bill left, obviously that challenge is alleviated, but it certainly does present one of our challenges.

What we tried to do then and continue to try to do in conjunction with the way that we function in morning sittings was to provide a number of recommendations that would assist both morning sittings and the rest of the Assembly. For example, we have continually made recommendations about the use of committee, and we believe that committee could be a very good tool to be utilized in the morning. Where we have a significant challenge is when committee and the House sit at the same time. If we make a decision to recommend committees in the mornings, which I think is a positive step in the right direction, clearly the House needs to rise so that the important work of committee can continue.

Alberta is one of the few Legislatures that refers very few pieces of legislation to a standing policy committee for review. As we all know, it is much more likely for a positive exchange of ideas at committee than inside the Chamber, for a smattering of reasons. It's one of the reasons why we recommended every piece of legislation

be referred to committee, and the exemption on that is without agreement of the House leaders. We recognize that there are pieces of legislation – perhaps supplementary supply would be a good example – that need to continue to go through the Chamber in a prompt fashion. With House leader agreement we could waive the requirement to go to committee.

This is a great example of a way that we can better utilize the mornings and make the Assembly significantly more effective.

There is a wide range of recommendations in the document, as many of you will know, including having space inside the Legislature for the opposition that is actually a meeting space, that is fully equipped, as would be the office here in the Federal building, a space for the Official Opposition to meet inside the Legislature. As many of the meetings take place in the morning, it is difficult often to have folks in the House and meetings happening here, and if there was more available space for meetings inside the Legislature, we would likely be able to be significantly more effective. It's my understanding that Alberta is one of the very few Legislatures across the country that does not have space for the opposition in the Assembly.

Let me just close with a couple of brief thoughts, and then I'll be happy to take your questions on some of the risks around lowering the quorum. What we saw at the beginning of the last session was that the government didn't arrive on time for a very important vote. That was the election of the Deputy Chair of Committees. Now it looks like the government may be suggesting changing the rules so that doesn't happen to them again in the future. I have some significant concerns around deferred votes. We need to make sure that the mornings, if we're going to have them – and I support us continuing to have them – are as effective as possible. It appears that the government got caught almost losing a vote by not having the people in the seats that they needed, and now they want to change the rules to have a much better effect for them.

With that, I'll be happy to take any questions if there are any, and I look forward to more debate on a very important issue.

The Chair: Thank you, MLA Cooper.

Questions from the people in the seats in the room first. Mr. Loyola.

Loyola: Sure. It's always wonderful to have the opportunity to engage with Mr. Cooper, from the wonderful constituency of Olds-Didsbury-Three Hills. You know, often when I'm driving through your constituency, I think about you and how wonderful it would be to actually meet you in your own constituency so that you could show me around.

Mr. Cooper: Feel free to give me a call the next time you're driving through. It's literally five minutes off the highway.

Loyola: Okay. Sure. You know, I'd really like to take a look at those three hills if you could show me around.

On the issue of limits on evening sittings, I mean, my understanding has been that our Government House Leader has been pretty co-operative in terms of sharing legislation that's going to be coming down the pipeline, so to speak. I was concerned about your question about having a time limit and then knowing what's going to be discussed the next morning. My understanding is that that information has been shared. Correct me if I'm wrong. Having limits on evening sittings, from my perspective and the experience that I've had so far in the House, would perhaps only encourage filibustering, and it would just result in the session being extended further. Perhaps you'd care to comment on that?

Mr. Cooper: Sure. I'd be happy to. I guess there are a couple of things. You know, I think the Government House Leader – and

obviously co-operation takes all parties, all House leaders – has done a good job of doing his very best to try and share the information about the Orders of the Day that are coming tomorrow, but obviously the to and fro of debate and whether or not we achieve a certain stage of a bill affects the next morning, so I think that is part of the challenge.

11:00

Frankly, I am in favour of more sitting days. That doesn't mean that we need to filibuster every piece of legislation, and I think that the opposition has been very fair with the pieces of legislation that we have chosen to have robust debate on and on the pieces of legislation that we have highlighted concerns or opportunities for that legislation to be better. In my opinion, every day that the government can make session shorter is one less day that Albertans have the opportunity to provide input, to provide feedback, and to provide the opposition with our role of both providing the checks and balances and the scrutiny of the government as well as our role of offering solutions and ideas to the government.

I think that this is shown very clearly in the number of sitting days that we have averaged across the last six years. We have one of the lowest in the country, the number of sitting days, at 47 as the average. It's 63 in the province of Saskatchewan; the province of Quebec, 77; the House of Commons, 112 sitting days. Every single day that the opposition has the opportunity to provide scrutiny of the government is a positive day for Albertans' opportunity to engage in the process. So I would suggest to you that having fewer sitting days is actually a negative.

Loyola: If I may, Madam Chair.

The Chair: Yes.

Loyola: I'm sure that you would agree that Albertans who have – and don't get me wrong. I completely think that it's absolutely necessary for the opposition to engage in debate and share ideas within the Legislature, but Albertans also want to see that the platform they voted for is indeed implemented as well, right? So we're looking for a fair balance between having that debate and making sure that ideas are discussed and making sure that new legislation is coming forward that Albertans have stated that they want to see implemented.

Mr. Cooper: Yeah. I don't disagree with you. We already have the fewest sitting days in the country, so we don't have the same sort of robust discussion around debate that almost every other Legislature does. We don't have legislation as substantive as the carbon tax coming to a committee, where Albertans could present and engage in the process. And we have regularly seen this government introduce legislation late in a session that is substantive, that we introduce on one day and start debate on the next day, with the opposition having no opportunity to see the bill in advance, as should be the case.

Yes, people who voted for the platform of the current government should be able to see that platform implemented, but it should also equally respect those who voted for the opposition, who would like to provide scrutiny. Let's be clear. It's not just about the opposition opposing legislation although we are effective at that; it is about the opposition continually making recommendations and amendments to legislation that will make the legislation the best possible piece of legislation moving forward. We saw in the first session, on Bill 1, many loopholes that the opposition exhorted to close, and the discussion was: this was better than nothing. That's not the kind of scrutiny that I believe Albertans expect, which is exactly why we need to make sure that mornings are as effective as possible, why

we need to make sure that the rules do not continue along the pendulum that the last government provided, of making them drastically in favour of the government.

We need to realize and respect the important role that all opposition parties have. And I'm not just talking about the Official Opposition; I speak about the PC caucus, I speak about the independent member for Calgary-Elbow – some people call him the leader of the Alberta Party – the leader of the Alberta Liberals. All of those voices are important in the legislative process, and if, for example, the three possible recommendations that the Government House Leader floated today are implemented, the pendulum will continue to swing in the direction of the last days of the former government, not making it more open and transparent but making it less.

The Chair: Are there any questions on the phone line? Okay. Are there further questions here in the room?

Okay. Mr. Cooper, thank you for your presentation.

We will now move to the next presenter, Dr. Starke, House leader of the Progressive Conservative caucus. Dr. Starke.

Dr. Starke: Thank you, Madam Chair, and good morning. My presentation is going to be relatively short, but I will say a number of things to preface my remarks. Our discussion here is to optimize the efficacy and the utility and effectiveness of our sittings, and that's regardless of whether they take place in the morning, in the afternoon, or the evening. You know, we have a number of concerns about what has gone on and the adjustments that have been made. We think that, quite frankly, members of the Progressive Conservative caucus, most of whom, I'll point out again, do have experience from previous Legislatures, feel that some of the changes have been positive, but others we don't feel have been as positive. I think that it's important that we take a look at them and carefully determine how they could be improved.

I would just like to say one comment, though, and that is the idea that a measurement of sitting days, as Mr. Cooper has just gone through, is some sort of metric for the quality of democracy that we have in this province. I reject that notion, quite frankly. It plays into a false notion that the only time MLAs are working is when they are sitting, which, as I'm sure now everybody knows, is certainly not true. I would argue that it is equally important for members to have the opportunity to engage with constituents and be in their constituencies working on both casework for constituents but also gathering input from constituents. Doing that on a face-to-face basis, I think, is important.

Of course, as we know, not all the MLAs in the House represent Edmonton constituencies. Many of us, certainly all nine of us in the Progressive Conservative caucus, need to travel to our constituencies, and we'd like to have the opportunity to do that.

In that regard – and I know that this is not a specific part of today's discussion, but it is something that is a concern to me, and that is the elimination, as we're once again seeing as we're preparing for fall session, of the constituency break week. We are once again looking at a fall session that is five consecutive weeks, starting on the 31st of October, without a constituency break week. Those break weeks serve a number of purposes, the most important of which is the opportunity for MLAs to schedule additional time in their own constituencies to meet with constituents, to hold events, to attend events. The lack of a constituency break week, you know, quite frankly, puts us in the Legislature for week after week after week, as we saw this past spring, as we're scheduled to do again this fall. I think, quite frankly, that it would be better if instead of waiting until October 31 to reconvene the Legislature, we

reconvene even one or two weeks earlier but also plan for a constituency break week.

I mean, quite frankly, I'm concerned this year that we don't have a constituency break week during the week of Remembrance Day. I fully realize that Remembrance Day this year falls on a Friday, so that means that most of us should be able to be back in our constituencies for that date, but I know that many, many schools have Remembrance Day ceremonies during the week leading up to Remembrance Day. That has traditionally been a time when the Legislature has not sat, and it gives the MLAs the opportunity to attend these very important services. We're not going to be able to do that this year.

My concern, quite frankly – and I delved into this a little bit with the minister – was that the current schedule of morning sessions, from 10 till noon on Tuesday and 9 till noon on Wednesday and Thursday, makes it very difficult especially for members of cabinet to attend cabinet or Treasury Board meetings but also to have various other committee meetings. Now, we did make the adjustment on Tuesday mornings because of the important work that the Public Accounts Committee does such that our Tuesday morning session goes from 10 until noon instead of 9 until noon.

11:10

My own suggestion, quite frankly, would be that making a similar adjustment for Wednesday and Thursday mornings would then allow for Treasury Board and cabinet meetings and caucus meetings to be held on those mornings from 8 until 9:30 or 8 until 9:45 and would allow for what I would hope would be better attendance, especially better attendance by cabinet ministers at morning discussions, at morning debate because my observation has been that cabinet ministers are very rarely in attendance during the morning sittings.

I fully realize that cabinet ministers have a lot of important work to do, but at the same time I think that it is also an expectation that cabinet ministers spend at least a portion of their time in the Chamber listening to the debate of the day. I think that's especially true if we do decide to at least look at the possibility of vote deferral such that morning sessions will not include Committee of the Whole discussions, in which case we're talking about substantive debate on bills. One would hope that we don't have a complete absence of the Executive Council during those debates.

Member Loyola brought up a point that talked about sharing legislation with opposition caucuses. He did say, you know, that I'm sure that that information is shared and to be corrected if wrong. Well, unfortunately, I can tell Member Loyola that, in fact, the sharing of the legislative agenda prior to the sittings of the Legislature, which was a practice that was done by House leaders of our party for many, many years and well in advance of the start of the session, has not been done at any of the three sittings that we've had so far in this Legislature, and the sharing of any details with regard to upcoming legislation has been meagre at the very best and in some cases nonexistent. It has been very frustrating. While we fully realize that parliamentary privilege requires that the full text of the bill cannot be shared in advance of the actual introduction of the bill in the House – we get that – what is very frustrating to us is that even the substantive or the major initiatives within a piece of legislation are not shared with members of the opposition in advance of a legislative sitting.

This has always been common practice in the past and has not been the practice of this government. It makes the work of opposition much more difficult if for no other reason than, you know, doing adequate research on a piece of legislation and obtaining input from stakeholder groups and also from constituents takes time. To move from the introduction of a bill, especially the large

and substantive pieces of a bill like the implementation of the climate leadership plan or other pieces of legislation, immediately into second reading, you know, creates a very difficult situation and, quite frankly, I don't think supports democracy at all.

I'd just like to conclude by saying that I have no objection to continuing with morning sittings. I think that the consideration to have morning sittings go to a 10 till noon schedule on all three days would allow more committee and Treasury Board, caucus, cabinet meetings in the 8 till 9:30 time slot on both Wednesday and Thursday mornings. I'm often frustrated that we don't use some of the time that we're in Edmonton more productively. When we're not having evening sittings, quite frankly, I would think that it would be important that our committees do have meetings because, you know, I think that in the time that I spend in Edmonton, I expect to be working. I don't mind working, quite frankly, early in the morning until late at night, whether it be in the Legislature or in committee meetings.

One of the things – and again I do want to make it very clear that legislation has not been shared with opposition caucuses nor has the legislative program, so there is a complete lack of prior consultation and a lack of sharing of that information.

The suggestion that there be some limitation, whether that be by virtue of the standing orders or whether that be by virtue of an agreement among House leaders, of evening sittings, especially on days where there are also morning sittings, I think would also be one that would improve the efficacy of members and the work of the Legislature as a whole. My own suggestion, quite frankly, would be that we have some form of an agreement that evening sessions not go past 11 p.m. unless, you know, as Minister Mason suggested, there's unanimous consent of the House. Quite frankly, after 11 p.m., as people know, the attendance drops off substantively, and it does then become very challenging for members who are also expected to be involved in the morning sittings or morning committee meetings.

With specific regard to the three suggestions or recommendations that Minister Mason made at the conclusion of his presentation, I do feel that we definitely should investigate vote deferral and see how that works in other jurisdictions and whether that's something that could be applied reasonably here in Alberta.

I am opposed to committees sitting when the House is sitting for the same reasons that the current Premier was opposed to it when she was in opposition. The same arguments against that practice are entirely valid now.

I am entirely opposed to reducing the quorum in the House. I think our quorum already, at 20 members, is less than one-quarter of the elected members of the House, and I do think that Albertans would expect that, at the very least, 20 out of 87 members should be able to be in attendance for debate at any time within the Legislature.

Madam Chair, those are the observations from members of the Progressive Conservative caucus. Again, to reiterate and just to clarify, we do not have an objection to the continuation of morning sittings. We would suggest, however, that evening sittings, on days that they occur, not extend beyond 11 p.m. Although it's not directly related to the discussion here, we would again urge the government, in scheduling those sittings, to look at both constituency break weeks as well as the more prompt and certainly earlier sharing of the legislative agenda with members of the opposition.

With that, I'm happy to conclude my remarks and answer any questions that the members may have.

The Chair: Thank you very much, Dr. Starke.

Before I go to questions, I will note that there is a constituency week scheduled on the Assembly calendar from November 11 through 18.

Dr. Starke: Well, I stand corrected, Chair. I'm pleased to see that. My understanding was that, in fact, we were scheduled to go right directly through that week of November 14, but if it is scheduled, then great. I stand corrected, and I'm very glad to see that that is in place.

The Chair: Okay. Now we'll go to questions. For anybody on the line, if you have questions, I'll give you a chance to speak first.

Hearing none, we'll go to the floor. Questions from the floor?
MLA Cooper.

Mr. Cooper: Thank you, Chair, and thank you, Dr. Starke. I think, just as a side note, your point about the constituency week not lining up with the pre Remembrance Day activities is still a valid one. We all have numerous schools inside the constituency. It would be very helpful to be able to be in the constituency in the days leading up to November 11 so we could remember the importance of that significant day with a lot of the youth and young people in our constituency. I think some of your comments remain valid because we will only have the 11th, which we would be home in the constituency for anyway, and the week following. But that is a bit of a side note.

I just wanted to make a couple of quick comments. I wanted to express my agreement with you around the importance of the work that we do in the constituency, and while I recognize that sitting days are not the only determinant of the work that we do, I think it is a challenge that we sit so few days, comparatively speaking across the country.

11:20

What is perhaps more important than the number of sitting days is the speed at which that legislation is introduced and passed. As such, often we don't have the ability to connect with our constituents in a way that we might like to. I think that on stakeholder outreach or the outreach to constituents, that you spoke of, I just wanted to reassure the committee that I am in full support of your comments there around just how important it is to allow members time and ability to reach out to those stakeholders. Thank you for your comments on that particular issue.

While it sounds like we'll have some disagreement around deferred votes, I also think that having a unified starting time across each of the mornings, as you've recommended, could be very positive to try and increase the effectiveness of morning sittings and allow more cabinet members to be involved more often in what is very important debate.

I just wanted to voice a little bit of support for both of those issues as you identified them, and I think I'll leave my comments at that.

The Chair: Thank you very much.
MLA Nielsen.

Mr. Nielsen: Thank you, Madam Chair. I just want to thank Dr. Starke for his presentation. It's much appreciated. With my background, I'm always very grateful when I get to tap into the knowledge of history with, you know, Minister Mason, with the amount of time that he's been able to spend in the Legislature, and, of course, Dr. Starke, with yours, too. I was hoping I would be able to just tap into that with you. Much like what was asked of Minister Mason, I was hoping you could provide your perspective as well, as a member who's had experience in both government and, of course, now in opposition. I was wondering if you might be able to provide a perspective on evening sessions in both of those roles.

Dr. Starke: Well, thank you for the question. I'm happy to do that. You know, evening sessions, quite frankly, provide the government

with an opportunity to move legislation through the Assembly. I know that at one point, I think during one of our earlier meetings of House leaders, it was expressed that there would be a goal of eliminating evening sittings altogether. My own perspective on that, again from experience in government, is that while that may be a noble and lofty goal, it's probably not really realistic. Our time, quite frankly, in the Chamber is limited, and if we were to simply have a hard-and-fast rule that we're eliminating evening sittings, there's absolutely no question that the sessions would extend, extending for, in some cases, probably an extra one to two to even three weeks beyond the length of time that they currently take. Again, from my perspective – and I've said this before – when I'm in Edmonton, I would just as soon be working morning, afternoon, and evening in Edmonton if that allows me to get back into the constituency and back to my home that much sooner.

As far as the actual operation of evening sittings, I will tell you that from a government standpoint we did work in shifts, as Minister Mason pointed out. One of our things, though, that we did, one of the stipulations when we set those shifts was that there was always a bare minimum of one-third of cabinet in attendance at all times. You know, regardless of what the discussion was, one-third of cabinet was always in attendance, and there was coverage provided if cabinet ministers were out of the province or otherwise unavailable. We always had very good attendance from cabinet.

Again, not meant so much as a criticism but as an observation, I am, quite frankly, frustrated at how low the attendance of the current cabinet is at both morning and evening sessions. Now, you know, again, having been a cabinet minister, I understand full well how busy a cabinet minister's schedule is. I understand also full well that there are cabinet meetings, Treasury Board meetings, and meetings of other committees that need to be attended, but to not have those ministers in the Chamber participating in debate or, at the very least, listening to debate I think, quite frankly, means that all of the debate occurs between private members of the government caucus and members of the opposition. I don't think that serves Albertans well.

As far as the evening sessions themselves, our caucus has taken the approach that we have an expectation that, at a bare minimum, we have at least three to four members and sometimes more, depending on the issues being discussed, in attendance. We always have the opportunity to bring in additional members. As I mentioned earlier, I was always quite frustrated at how low the attendance was of the smaller opposition caucuses in the last Legislature. In most of them, quite frankly, the attendance was one or zero. I guess I understand that. You know, I get it, but also remember, too, that in that Legislature there were no morning sessions. We didn't have morning sittings, yet in evening sittings, for the most part we were looking over at a whole series of empty chairs.

Our participation in the evening sittings in government was, you know, largely to debate and to provide perspective, whether it was in committee or to move the bills through. Then I will share with Mr. Nielsen, in answer to his question, that from time to time we did go right around the clock. While I guess it could be reasonably questioned as to how productive or how useful those sessions were, they also provided a very unique opportunity to be in the Legislature Building in the wee hours of the morning and actually gave an opportunity to get to know members on both sides of the House a little bit better because we're all in this together. I, quite frankly, didn't mind doing that, but it's certainly something that was not something you wanted to do on an ongoing, repeated basis. You know, quite frankly, it didn't happen that often. Most of the time the discussion would wrap up before midnight.

I hope that helps you get some perspective as far as, you know, where things were then and where things are now. I think, quite frankly, evening sessions are not going to go away. I think we need to have them. Government needs the opportunity to use evening sessions to pass the legislation. As Member Loyola said, you have a legislative agenda, and it needs to be passed. The opposition will play its role in terms of debating, and sometimes it may be viewed as delaying the passage of that legislation, but ultimately that is our job. I think we both respect the fact that both sides of the House have specific duties and roles to play, and we're trying to discharge them to the best of our abilities on behalf of Albertans.

Mr. Nielsen: Well, thanks, Dr. Starke. I appreciate you letting me tap into that knowledge.

The Chair: Are there any other questions? Any on the phones?

Okay. Thank you very much, Dr. Starke, for your presentation and for answering those questions.

Now it's 11:30, so I think we'll proceed with Mr. Reynolds and begin his presentation. Mr. Reynolds.

11:30

Mr. Reynolds: Thank you, Madam Chair. It's a pleasure to be here this morning. I'm never sure whether it's better to be the last speaker before lunch or the first speaker after lunch. I hope people aren't too growly just before lunch, but I'll take my chances here.

My name is Rob Reynolds. I'm the Clerk of the Legislative Assembly and have been so for about five months. I'm here to make a presentation concerning the costing of morning sittings of the Assembly pursuant to the motion moved by Ms Woollard at the June 22 meeting of this committee and the subsequent motion moved by Mr. Cooper at the same meeting. Let me say at the outset that the LAO staff have devoted considerable effort to the analysis of the costs that you will see in the document entitled *Costing Analysis – Morning Sittings, Legislative Assembly of Alberta*. It's dated September 8, 2016, and it was included in the materials that were posted. If members don't happen to have that document, I'm sure that Karen Sawchuk will be able to find one for you. Okay. Good.

I'll try to accurately represent the findings and the good work that's been done, but in case I falter, we've got experts here. It's Phil, Shannon Dean, Brian Hodgson, Scott Ellis, and Kyla Rodgers. I may be missing someone. Janet Schwegel from *Hansard* is here. All part of the important team that put this together.

I want to say at the outset, a qualification, that there are figures provided from which you can draw your own conclusions and craft your arguments however you wish. The staff of the Legislative Assembly are here to serve members. So whatever you recommend and whatever decisions are ultimately adopted by the Assembly concerning sitting times, we want to assure you that we will as ever be there to provide the support to enable you to perform your functions as the elected members of the people of Alberta, and this sentiment, in case you want to refer to it in written form later, is also found on page 9 under section 3.0 of your presentation, at the very top of the page there, the first two sentences.

With respect to the document that's provided, you'll find that there are four scenarios presented. The numbers are found on pages 5 and 6 of the document. You can see some of the qualifications are listed under 1.0, variable cost comparisons, Legislative Assembly staffing, and I'll go through that in explaining the scenarios. First, I should say that we used the measure of variable cost per hour, and as the document says, "It should be noted that the costing data provided in this report includes only variable staffing costs required

to run a sitting; ‘fixed’ staffing costs, such as those incurred for salaried employees, are excluded from this costing exercise.”

Now, I just want to explain the four scenarios. Sorry. I see some heads, but we can have some questions later. I mean, the fixed costs are fixed, so they apply across the board whenever you have a sitting, and we don’t control a lot of the fixed costs, as was explained by Minister Mason when he was making his presentation, I believe.

In any event, when you look at the four scenarios, scenarios 1 and 2 are based on a 7.5-hour sitting day. The 7.5 hours in scenario 1 covers a morning and an afternoon. Okay. We can call that Wednesday because actually Wednesday is the only day that you sit for three hours in the morning and 4.5 hours in the afternoon. Scenario 2 covers an afternoon sitting and three hours in the evening – so we could call that Monday – to a total of 7.5 hours. Scenarios 3 and 4 compare 10.5-hour sitting days, with scenario 3 comprising a morning, an afternoon, and an evening sitting, okay? Scenario 4 looks at a 4.5-hour afternoon and a six-hour evening. So 3 and 4 are your 10.5 hours; 1 and 2 are 7.5-hour sitting days.

You will note with the figures that the variable cost per sitting hour is lower for scenario 1, which is the morning and afternoon sitting for 7.5 hours. It is lower, but it’s not really appreciably lower than the afternoon and evening sitting. I mean, it is roughly \$130 lower per hour. Likewise, in scenario 4, when we’re looking at the 10.5-hour situation, it’s in the same ballpark, really: \$2,833 per hour. Now, of course, the total costs for going 10.5 hours are more – right? – but the hourly variable cost is comparable.

Where there’s a departure from the other figures is in scenario 3, which is the morning, afternoon, and evening scenario. There you’ve got total variable costs at \$3,118.75 for an hour. There are various reasons for this that we could discuss, but essentially the biggest driver of this is that you’ve got the costs spread out over a greater number of hours. Yes, it’s 10.5 hours, but you’ve got the morning, you’ve got the afternoon, and the evening. So you’ve got breaks between the morning and the afternoon, and you’ve got breaks between the afternoon and evening. That means that people are on shift, as it were. They’re working, and they are entitled to breaks, shift differential, and other factors that contribute as drivers of the cost for those employees who are included in the variable cost.

11:40

Now, I also want to emphasize that these costs do not include all the costs of running, as it were, the Assembly business. Yes, they’re focused on the actual operation of the Assembly, but it doesn’t include costs associated with committees, let’s say, when the Assembly is in session. So perhaps it’s explained better on page 8 than I’m explaining it, where it says “Costs Associated with Committee Work.” But there are costs involved when we sit even when we’re not sitting in the Assembly because, as you know from going to estimates, from the legislative policy committees, you meet in, let’s say, this committee room. You’ve got security staff who are posted here, and it’s conceivable that there might be another committee meeting at the same time. So you’ve got double the security costs, at least, with all the shift – well, there are no shift differentials for security staff, but with all the requirements that may result if there is overtime or something like that. You’ve also got *Hansard* staff when you’ve got two committees meeting at the same time because they have to produce records for both those committees. Of course, committees can meet in the morning, the afternoon, or the evening when it comes to estimates.

That’s a long way of saying that those costs aren’t included, so just to tell you that there are additional costs that we haven’t included in these calculations.

Now, in terms of overall costs I draw your attention to page 7 in the document, which addresses historical costing, which was discussed earlier by some of the presenters. You’ll see that this year, 2016, with the number of hours we’ve sat so far, we’re on target to surpass what’s occurred in the last – well, I look to Dr. Massolin here. Is it the last 10 years?

Dr. Massolin: The last six years.

Mr. Reynolds: Certainly the last six years because we’re at 223.26 hours so far. This is just Assembly sitting time, and we haven’t started the fall sitting yet, which is expected to run October 31 to December 1 with the constituency week that we’ve already discussed.

Now, if you want to look at some of the specifics of some of the things we looked at when we were calculating this in terms of staff, I’d refer you to page 9 in the presentation. Once again, under staffing matters it really gets into the 10.5-hour scenario because then you have to hire, as it says, more security services staff, more pages, and if the morning, afternoon, and evening scenario became standard, then House services and *Hansard* would have to hire additional personnel to handle the additional workload in addition to the Legislative Assembly security staff, who would have to hire more people, and the new pages we would need. That’s if we were running on a morning, afternoon, evening program.

Now, in terms of the qualitative assessment, not just the quantitative assessment in terms of numbers, I want to tell you that the greatest benefit, I think, for employees is really certainty in terms of predictability as to when you’re going to work. You know that as members. I think you want to know where you could be. You’ve got appointments. You’ve got family commitments. You’ve got many commitments. Your caucus staff probably remind you of that because they, likewise, have commitments that they want to meet, and then they’ve got the issue of overtime if they stay later or time off in lieu.

By the way, we don’t look at the impact on caucus staff of the sitting hours because that’s really up to the caucus to handle. We didn’t consider it even though technically they’re all Legislative Assembly Office employees.

Back to what I can call the work-life balance or, as it’s been named, the family-friendly practices. I mean, I could just tell you – maybe you’d be interested in a personal story. Maybe not, but I’m going to tell it anyway. Here we go. You know, I have a spouse who’s a professional. I’ve been a parent for 19 years. For some of that it was one child, then two. It’s really important to know, if you have kids, which one of you is cooking dinner, or in my case assembling dinner, who’s going to get the son and daughter to hockey, soccer, dance, whatever activity it is. If you don’t have children, predictability is no less important because you might volunteer or want to spend time with your partner. You might be assisting aging parents who are kind of demanding, and when you say that you’re going to be there at a time, they kind of get anxious if you’re not. Or even if you want to go to a movie.

This isn’t news to you, obviously, but I just want to emphasize that when you’re looking for predictability and certainty, it’s something that we feel, too. Where we feel it the most – and I understand that situations arise that you don’t know about. I mean, we work in the Assembly. We understand it. We get it. But there have been moments when it’s 10 to 6 and you’re wondering if there’s going to be an evening sitting. You know, honestly and in truth, I can’t say that that was just restricted to this government. I think it occurred with the previous government also, waiting to see if there’d be an evening sitting. That just throws everything out the window. There’s no predictability.

You know, we're in this situation where we can't get staff on 10-minutes' notice. So if there's a possibility of an evening sitting, unless we know for sure there isn't going to be one, we have to plan for it because you need to have people in place. Now, for other people, yeah, there's unpredictability, uncertainty. I mean, the cost driver there is that we have to bring people in, and if there isn't an evening sitting, then they go home, but they get paid for a shift.

Once again, I don't think this is anything that you don't know personally. I just want to emphasize that, you know, the discussions that House leaders have on these things have implications, certainly, beyond members and affect the employees of the Assembly. They affect government employees, too, because there are members of the public service of Alberta who are affected by these sorts of decisions.

Now, when you're deliberating, and if any of this is useful to you, I'd also ask you, as I'm sure you have – and I think Dr. Massolin is going to go over it. The document Interjurisdictional Information on Morning Sittings in Canadian Assemblies – that just kind of rolls off the tongue. It's dated June 16, and there are some interesting points about how other jurisdictions deal with situations in the last two of weeks of sitting, subject to correction. In Ontario they go later. I think the normal evening adjournment time is 9 p.m., and I believe that for the last two weeks of sitting it goes till midnight, but that's it. I mean, there's a certain time for ending.

In any event, I want to wish you good luck in your deliberations. No, honestly, I think this is a very positive step. As Clerk I just want to say that the task that you assigned us was challenging. We learned a lot about how we conduct our operations. It's a pleasure to be able to share that information with you so as members you are able to make the best decisions that can be made, and I just welcome the opportunity to have this discussion in this forum because I think that – I may be biased here – any debate on what transpires in the Assembly is good for members, good for parliament, and certainly good for the LAO.

I'd be pleased to answer or direct your questions to the responsible staff should you have any. Thank you for the opportunity, Chair.

11:50

The Chair: Thank you very much, Mr. Reynolds.

Now open to questions, and I'll go to the phone first.

Hearing none, Mr. Coolahan.

Mr. Coolahan: Thank you, Chair. Thank you for your presentation, Mr. Reynolds, and for crunching the numbers in this cost analysis or at least delegating the crunching of the numbers. Much appreciated. I'm just looking for a couple of explanations here. A couple of questions. On page 7 of the costing analysis document you referred to, the spring of 2016 average hourly rate per sitting was second lowest since spring of 2012, with an average hourly rate of \$2,902, and it was only in the spring of 2015 that it cost less, with an average hourly rate of \$2,886. Can you explain that differential for me if possible?

Mr. Reynolds: Yeah. Dr. Massolin.

Dr. Massolin: Thank you very much, Madam Chair and Mr. Reynolds, for that. You know, I think the point to be made about these numbers is that if you look up and down, not just to evade the question, I think you'll see that they're remarkably similar in terms of the average hourly rate. The reason why you have perhaps a little bit lower for spring of 2015 and spring of 2016 is the fact that those hours occurred during the morning and afternoon or afternoon and evening without the extended-hour period. According to this costing exercise, extended hours – i.e., those hours that extend to

10.5 hours and are morning, afternoon, and evenings especially – is the hourly rate that's especially important, that drives costs up. Without those you'll have a lower cost. Again, I would point out that the numbers are remarkably similar per hour.

Thank you.

Mr. Coolahan: They are. Thank you.

If I can continue?

The Chair: Yes.

Mr. Coolahan: The cost analysis document has estimated that the cost for 2016 will be about \$905,000, or about 13 per cent higher than 2012, which was the most costly year to date. I'm asking if the cost in 2012, the \$798,000, was adjusted for inflation at all.

Dr. Massolin: Thank you, Madam Chair. Through you to Mr. Coolahan the numbers that are used are current numbers and they're applied retroactively, so you're talking about 2016 numbers applied retroactively.

Thank you.

The Chair: Are there other questions?

Mr. Coolahan: Yeah. Sorry. I just wanted to clarify. I didn't quite get that. Was inflation added to that number in 2012?

Dr. Massolin: Well, we used 2012 numbers.

Mr. Coolahan: Right.

Dr. Massolin: We devised the hourly rate, as is indicated here on pages 5 and 6. Those hourly rates there are 2016 hourly rates, and we used those numbers and multiplied them according to the time at which the cost was incurred; in other words, if it was a morning and afternoon, that occurred at a certain rate, you know, according to the 7.5 hours. Those are 2016 numbers, and they're applied to 2016 and all the way back to 2012, right? It doesn't encompass any sort of inflation number. Rather, you're using 2016 as the baseline. I mean, as you can see in the analysis, they used 2000 numbers. You know, the analysis chooses a year. In this case we've chosen 2016 as the year, and that's the constant figure.

Thank you. I hope that answers it.

Mr. Coolahan: Yes, it does in a way. I understand what you're talking about. It's not directly added to the 2012 number, but because it's using the 2016 number, it does inflate it, I guess, for 2012.

Dr. Massolin: It's a constant figure. That's what I could say.

Mr. Coolahan: Constant. All right. Thanks.

Just one question for Mr. Reynolds. The cost analysis document noted that longer sitting hours impact workplace wellness, as the document alludes to. It's specifically noted that the longer days may lead to staff working more than 12 hours a day. This is when you take into account morning, afternoon, and evening sessions. It's less predictable for staff, of course, and I agree that the sessions lead to less predictability for staff and us as well. But as the document notes, in spring 2016 only 17.5 per cent of the sitting days had an evening sitting. This is less than 46 per cent during the 28th sitting of the Legislature and 31 per cent during the 27th sitting of the Legislature. Under this framework would workplace wellness improve under these conditions given that morning sessions add to predictability of sitting times?

Mr. Reynolds: A very interesting question. Would it improve workplace wellness? I think the biggest driver, as I said, was when

the – rather, I came at it the other way. The most detrimental to a number of things was where you had a morning, afternoon, and evening sitting that encompassed 10.5 hours over what would be 14 hours. Once again, you get into shift changes. You know, you've got people reaching that 12-hour limit unpredictably, et cetera.

The predictability of morning sittings is, of course, welcome. It's a great thing. I mean, I have to say that you would find that there were more evening sittings prior to this Legislature because there weren't morning sittings before. They only sat in the afternoon and evenings, which is why I would suggest you had more evening sittings then.

I'm not disagreeing with your statement that morning sittings may contribute to employee wellness. So there you are.

Mr. Coolahan: Thank you. Thank you, Chair.

The Chair: Okay. We have a question from Dr. Starke, and then I'll go to MLA Cooper.

Dr. Starke.

Dr. Starke: Thank you, Madam Chair. Well, I'd certainly like to thank Mr. Reynolds and all of the staff involved in the Clerk's office for production of this report. I mean, my guess is that when you started out with this, you really didn't know sort of what likely you would find out as a result of this analysis. Neither, you know, did any of the rest of us.

I will tell you, from reviewing the chart on page 7 of the report and doing a few calculations myself, specifically dealing with the hourly rate per sitting over – what is it? – 11 or 12 separate sittings of considerably variable length, that I am absolutely stunned by how consistent or what a narrow band there is for the hourly rate per sitting, from a low of \$2,886 to a high of \$2,963. Statistically that is such a narrow band. I think the variability of approximately 2 and a half per cent when you consider all the different variables – again, there's a tremendous variation in, you know, what went on at those various sittings. Some of them, as you said, had morning sittings involved, some of them didn't, and that sort of thing.

12:00

The conclusion that I think we can invariably arrive at is that the hourly sitting processes of the Legislature are remarkably similar regardless of how they are made up. Quite frankly, we need to be cognizant that every hour that we do end up having in the Legislature be I'm going to use the term "well used" and that it not be time that is – I hesitate to use the word "wasted" – perhaps used more for procedural matters as opposed to used for substantive debate. I mean, if we as members think, you know, that basically there's a meter running and that every hour we're there is another \$2,900, ka-ching, that's something that we should keep in mind.

I guess my question to Mr. Reynolds or to one of the other table officers is: what sort of notice do you have to have, for example, that indeed there won't be an evening sitting or that a morning sitting is cancelled or something along those lines? You know, clearly, Mr. Reynolds, you said that if at 5:55 it's decided they're not sitting that night, the staff that was going to come in that night still has to be paid, and therefore a cost would be certain. I guess I'm wondering: how much notice needs to be given, whether it's an evening sitting or a morning sitting, to staff members so that that cost is not incurred?

Mr. Reynolds: Well, that's a good question, Dr. Starke, and I don't have a precise answer to give you on that. With respect to how much notice we would require, I mean, we had talked about having notice at one point during the daily Routine, immediately after question

period, or when we got to the daily Routine so that the Government House Leader could perhaps provide notice.

If you don't mind, I'll just ask Shannon Dean to help my recollection.

Ms Dean: That's correct. We felt it would be easier on staff if we had that window of about two to three hours for being notified about the lack of an evening sitting.

Dr. Starke: That's certainly fair enough. I mean, I sometimes, quite frankly, have a great deal of sympathy for all of the support staff in the Legislature. I realize full well that you're very dedicated and that all of the support staff working, you know, in the various facets to support the function of the Legislature know the work can be a little irregular, but I am always amazed by the dedication and the cheerfulness of people to work with those of us who basically signed up for this lifestyle and have to recognize that the lifestyle will result in some very irregular hours. You, I guess, in a way signed up as well but not nearly in the same sort of way that you are at the whim of what happens within the Legislature.

I just want to say that I appreciate the effort, and quite frankly I certainly appreciate, over the relatively short time that I've been a sitting member, the dedication and the overall willingness of LAO staff to provide the necessary support that we as members need to have in order to discharge our responsibility. I mean, I think it speaks a lot to the culture within the LAO. That's certainly a credit to the leadership, going back to Dr. McNeil but continuing on with Mr. Reynolds and, really, all the members within the LAO. I want to personally say thank you and that I appreciate it.

I appreciate having this analysis. It was very enlightening, but it also demonstrates to me absolutely clearly that the hourly cost really is minimally variable.

The Chair: Thank you, Dr. Starke.

Any other questions? MLA Cooper.

Mr. Cooper: Thank you, Chair, and thank you, Mr. Reynolds, for your presentation today. I just have, I think, what will be three relatively quick questions. I sometimes, like you, take 10 minutes to say what could be said in five, but that's probably a reflection on me more than you.

I appreciated your personal story, and I'd like to reiterate the comments from Dr. Starke on how grateful I am to the table officers and all the LAO staff, committee clerks, and the rest of the crew that in many respects drop everything to ensure that the operation of the House can continue. I would certainly be supportive of the Government House Leader making his intentions known during the daily Routine if the government intends to sit that evening. I will be happy to support such a potential change.

You know, I think that sometimes politicians forget that the world doesn't revolve around us, so it's a good reminder here today that at 5 to 6 we make decisions that dramatically affect the lives of others. If we can do things to mitigate that, I think we should all be supportive of that. So thank you for your efforts and all of your flexibility in terms of being at the whims of us elected folks.

With respect to page 6, that you presented in the costing of scenario 3, which clearly looks to be, you know, approximately at 10 per cent higher costs than scenario 1 and only takes into account 10.5 hours of sitting, does the cost of the sitting hour go up exponentially, or would it remain constant as we pass 10.5 hours of sitting? Like, at 11 and a half is it still 3,100 bucks, or is there a threshold change?

Mr. Reynolds: Yeah. I can speak to this. I should have mentioned that Cheryl Scarlett, who is the director of human resources and IT services, is here also, so if you have a problem with your laptop, just talk to Cheryl afterwards.

With respect to your question, yes, the costs do go up dramatically the longer you sit in the sense that you've got the overtime issue with respect to that at some point now you've moved from time and a half to double time. Also, you run into the problem, depending on how long you sit, of having to bring in a new shift because you've got people reaching the maximum limits. That's what I can say.

I mean, you've got all sorts of factors colliding. You've got managers trying to adjust so that people who are coming in and leaving can, and if they're not leaving, they have to be compensated for that because it's a situation that's often evolving, as you well know. So, yes, there is an increase. That would go up. If you had a curve, it would bend up a little after 10.5 hours, I would say.

I also would like to say, now that I have this opportunity, thank you to Dr. Starke and yourself for your kind words, which I think are, in my experience, echoed by all members. I also want to make clear that our presentation shouldn't be viewed – I hope it wasn't – as complaining. As you've indicated, we're here to serve. This is what people, you know, signed up for, and it's a privilege and honour to work in the Assembly. But having said that, this is the first time the committee has really looked at these issues, so it's really our chance to get our oar in the water, if you will. We just thought it would be appropriate to offer to the committee what might work best for the LAO.

12:10

Mr. Cooper: Thank you.

Just a follow-up comment. I appreciate Mr. Coolahan's comments around the fact that the total number of sittings is decreasing, but I believe, if my research, if you will, serves correctly, in the fall sitting, while there was significant and robust debate around Bill 6, the Assembly sat five nights, additional nights. In three of those the House was open. Our sitting hours were closer to 13 and a half hours. It was either three or four that were 13 and a half hours. Then in the spring there was some significant discussion around the carbon tax. I'm just a little curious to know if you included the cost of the carbon tax in your assertions here or not. No, I'm just kidding although that is actually a good question.

In the spring session, while we only sat four nights, on three of the four the House actually sat for 13 hours or greater, and I believe that that last night, when I think the House rose at approximately 4 a.m., that was something closer to 15 sitting hours in that day. That doesn't include the time that members or staff had to arrive and be at the Assembly, but the total amount of actual hours that there was debate happening was closer to 15 hours.

You know, while the total number seems to be very similar, if the government makes decisions to sit morning, noon, and night without a stop, clearly the cost to the taxpayer goes up exponentially. I hope that around this table we will consider that in our deliberations because while the nights may have been fewer, the cost is certainly greater.

The Chair: Any further questions? Hearing none – and my stomach is growling – I think it's time for lunch.

Mr. Reynolds, thank you very much for your presentation.

Mr. Reynolds: Well, thank you for the opportunity, Chair. It was a great pleasure.

The Chair: Okay. It is just about a quarter after 12, so we will break until a quarter after 1. Thank you. Lunch is in the Canadian Shield Room.

[The committee adjourned from 12:13 p.m. to 1:14 p.m.]

The Chair: Good afternoon, everybody, and welcome back. I hope you enjoyed your lunch.

Now we have the next item on our agenda, research services. Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. I think – in fact, I know – that what we're on to next is the document that's already been alluded to. It's Interjurisdictional Information on Sitting Times in Selected Canadian Assemblies. Hopefully, committee members have that document. It was posted on September 8, and it's just basically two pages of information. The second page of those is a chart comparing the selected Canadian Assemblies that are comparable to Alberta in terms of relative size.

The information that has already come out is worth repeating in the sense that, on the one hand, Alberta has the fewest sitting days on average of the Assemblies compared in this chart. However, that's not the whole story. The other part of that, on the other hand, is that in terms of total sitting hours and in terms of average sitting hours Alberta compares favourably in the sense that it fits in after the big Assemblies or parliaments such as the House of Commons, Ontario, Quebec, and then B.C. Then Alberta fits in, followed by Manitoba and Saskatchewan, in terms of average hours of sittings per day and also per session, spring or fall. I'd like to point that out.

The other thing to note about this chart, for your information, is that main estimates consideration has been extracted from these numbers so as to make all the Assemblies comparable. Many of these Assemblies don't consider main estimates in Committee of Supply, and therefore it's not reflected in the sitting time. Rather, they're done in committees, as in Alberta with the legislative policy committees.

There you have it. I'm prepared to answer any questions.

Actually, before I do that, the Clerk of the Assembly also referenced the research briefing that was posted in June for the previous committee meeting. That basically has the scheduled sitting times. One thing I'd like to highlight in that document, in case you have it, is just something that was brought out in terms of other jurisdictions and how they handle evening sittings. It was mentioned that Ontario actually has evening sittings but only during the last two weeks of a particular sitting. That is done on the passage of a government motion, and the sitting commences at 6:45 and lasts until no later than 12 a.m. I just wanted to point that out.

I'd also be happy to answer any questions about these two documents. Thank you.

The Chair: Thank you very much, Dr. Massolin.

Okay. On the phone, any questions or comments?

Hearing none, here in the committee room, any questions for Dr. Massolin? MLA Goehring.

Ms Goehring: Thank you, Chair, and thank you, Dr. Massolin. I notice that Alberta had an average sitting time of five hours during 2010 to 2015 and 5.58 in the spring of 2015. I don't believe it was included in the document, but do you have a national average in comparison to where Alberta sits?

Dr. Massolin: Thank you, Madam Chair. No, I don't. I mean, you just have the averages for each individual jurisdiction there. I only looked at the jurisdictions that are indicated there, not the smaller ones like the Atlantic Canadian jurisdictions. But as you can see, Alberta falls in line, as I said, after the House of Commons, Ontario, Quebec, and B.C., so it follows the population, almost, of the jurisdictions.

Thank you.

Ms Goehring: Thank you.

Would you say that the analysis with those main jurisdictions also is comparable to the Assembly size as well as the population?

Dr. Massolin: Well, that's a more difficult one because I think the B.C. Assembly has – and I stand to be corrected – roughly about the same number of seats although B.C. has considerably more people than Alberta. There's not always a one-to-one correlation. I think Ontario as well would have many more seats if it's, you know, compared to Alberta in terms of the population. The number of seats in correlation to population would not sort of – it's hard to compare on that basis. But in terms of population, size of the province, and the amount of time spent in Assembly considering bills and other things that you elected officials consider, I think it's an interesting correlation to say that Alberta falls in line in terms of its population and sitting times, if that makes sense.

Thank you.

1:20

Ms Goehring: Thank you.

The Chair: Thank you.

Any other questions? Okay.

We're now at a stage where we have received information via the oral presentations and research briefings from the LAO. The question for the committee now is: how do you wish to proceed? MLA Loyola.

Loyola: Yeah. I see you have on the agenda here “additional research requests,” and given the fact that Minister Mason brought up not necessarily recommendations but ideas to consider – I'll put it that way because he wasn't recommending having committee meetings when the House is sitting – I think that it would be beneficial to have a crossjurisdictional analysis on the three items that he brought up: quorum in different jurisdictions, if any; going to deferred votes; and then we might as well throw in a third one, even though it wasn't his recommendation, just so that we can see what other Legislatures across the country are doing, having committee meetings when the House is sitting. I'll request that from Parliamentary Counsel, please.

The Chair: Okay. We'll need it as a motion.

Loyola: Sure. I'll do my best here to make a motion on the fly. Do you want me to say my name?

The Chair: Yes.

Loyola: I, MLA Rod Loyola, move that a crossjurisdictional comparison on the matters of quorum, deferred votes, and whether committee meetings occur while the House is sitting be prepared by research services. Is that good?

The Chair: Thank you.

Any discussion on the motion?

Mr. Orr: I just would like to ask if that's a reasonable request of you. I just want to be clear.

Dr. Massolin: Thank you, Madam Chair, and thank you, Mr. Orr, for that. Yes, it is. We can easily look at the standing orders in other provinces and the federal jurisdiction and see what they have.

Thank you.

Mr. Orr: I do agree that I think it would be interesting to have. I just wanted to make sure that it was something you felt was appropriate.

Dr. Starke: Madam Chair, if you could put me on the speakers list, please.

The Chair: Yes. Go ahead.

Dr. Starke: Thank you. While I do find the crossjurisdictional studies to be instructive and to be interesting reading, I'm not sure that there's much point in sending our very capable parliamentary research staff on, you know, a research project where there is little or no likelihood, regardless of what other provinces are doing, that the suggestion would be adopted. I am specifically referring here to a committee meeting while the Assembly is sitting. I would tell members of the committee, as I said in my earlier remarks, that that would be a nonstarter for our caucus, and I believe, quite frankly, that it is a very bad practice to consider.

It might be interesting to find out which other jurisdictions do it. I believe, for example, that in Ottawa the House of Commons certainly has committee meetings while the Commons is actually sitting as well. I believe that is true. I don't know about other provinces. But, quite frankly, again, I think it's already been identified that the impact this would have, especially on members of smaller caucuses and independent members, would be significant.

I would be very interested in seeing how vote deferral was handled in different jurisdictions, and I would certainly agree with that.

You know, here again, the question of quorum: I mean, I guess we could keep it in the motion as it is because it's fairly simple to get just a simple number in the crossjurisdictional examination. But, again, I don't know that if the quorum levels are higher or lower in other provinces, it would motivate me to consider a different quorum than what we have right now. I certainly would not want to consider a lower quorum in our Legislature. I think, at the very least, that having something less than one-quarter of our elected members in the Chamber at any given time to constitute a quorum is, I would even say, a little on the low end. I think that if Albertans knew that only 20 of the 87 elected MLAs needed to be in the Chamber in order for the discussion to proceed, they would actually probably be surprised by that.

The Chair: Thank you, Dr. Starke. Now, I may be misunderstanding. Are you making an amendment to the motion that MLA Loyola put on the floor?

Dr. Starke: Well, I would do that, Madam Chair, but of course the amendment cannot contradict the original intent of the motion. You know, I guess I would throw it over to Member Loyola as to whether he would feel that a changing of the scope that he has suggested – my own personal feeling is that we could delete the crossjurisdictional study that would look at committee meetings while the Assembly is in session. Quite frankly, again, while it may well be interesting to find out what other jurisdictions are doing, I would under no circumstance support a move that would bring that in.

The Chair: Okay.

Loyola: I prefer hearing discussion from other members before making a decision.

The Chair: Okay. MLA Cooper.

Mr. Cooper: Thank you, Chair, and thank you, Dr. Starke, for your remarks. I am in support of removing a committee sitting at the same time as the House, or the research request of trying to find

what we do crossjurisdictionally. You know, for us it's a nonstarter. I can only imagine that if the committee was even to go ahead and recommend that – I know that if I was an independent member or a member of a party that only had one member, I certainly would be bringing a point of privilege on this very issue because, to me, it's quite clear that if the House is sitting and a committee is sitting and you have a requirement to be in both, your privileges have been breached. So I think that there is less to be gained than more to be gained from that particular piece of research.

I think there is merit in the deferred votes although at first look, you know, I don't believe that I'll be in support of that.

Truthfully, the quorum research, to have some sense, is probably quite brief although I think that it might end up in a recommendation to add to the quorum number, not to take away, and I don't think that that was the intention of the Government House Leader.

But I would be perfectly okay in supporting a motion that included the two pieces of research and not having the third proceed. I think that could be very useful, but of course that would be up to the mover of the motion.

The Chair: Okay. Member Nielsen.

Mr. Nielsen: Thanks, Madam Chair. Just a quick question to our research folks. If we were to decide to explore the committees, would that just simply be, I guess, more or less an answer that “Yes, it happens in this jurisdiction” or “No, it doesn't” and that's about it?

The Chair: Dr. Massolin.

Dr. Massolin: Thank you, Madam Chair. I think you would certainly have that component, but also I think you'd want to know the total number of members in the Assembly plus the members on the committee to get a sense of the proportions. In other words, for the House of Commons I'm not absolutely sure, but I think they have 12-member committees, and they also sit during the time that the House is sitting. You know, you want to know what the committee membership is and the number of committees to see what kind of membership is drawn away from the House or what kind of balance you can strike in terms of having people in the House versus in committee. I think they do some of that analysis and reporting as well.

Thank you.

1:30

Mr. Nielsen: Thanks.

The Chair: Okay. Member Loyola.

Loyola: Yeah. Well, having heard from our good friends in the opposition – and I've stated it in committee before – never let it be said that the Member for Edmonton-Ellerslie is unyielding or inflexible. I'll strike that third piece from the motion, and we'll leave it at just quorum and deferred votes.

The Chair: Okay. Any further discussion?

Seeing none, I'll read the motion back to you. Moved by Mr. Loyola that

the Standing Committee on Privileges and Elections, Standing Orders and Printing request that committee research services prepare a crossjurisdictional comparison on the issues of quorum and deferred votes.

Is that correct?

Loyola: Madam Chair, just one slight correction. I prefer to be referred to as Member Loyola.

The Chair: Okay. Any further discussion?

Seeing none, hearing none, all those in favour, please say aye. Any opposed? On the phone? Thank you. That motion goes forward.

Okay. Now I'd like to find out if there are any other issues that we need to bring forward at this point. Member Cooper. MLA Cooper. Sorry.

Mr. Cooper: You can call me whatever you want.

The Chair: No, no. You don't want to go there.

Mr. Cooper: You can, honest. Just not late for dinner. If it gets ugly, then the consequences, I guess, will be someone else's.

Yeah. You know what? I have just a brief comment. I understand that we likely invited the leaders of the other parties to the meeting today as we were discussing the operation of the House. My guess is that some of the new information in terms of significant changes – and it looks like we're not going to make significant changes to committees and morning sittings happening at the same time. But I would like to be reassured that for the next meeting both the leader of the Alberta Party and the leader of Alberta's Liberals are invited and are made aware that we will be discussing significant changes.

Also, see if it's possible to have the research that is shared with the committee shared with those two members as well, as they have a significant role to play in our Assembly and should have that ability. I'm unsure if we need a motion for that to happen, but I certainly would like to be reassured that they will be considered in the information dissemination process moving forward.

The Chair: Thank you very much, MLA Cooper. They were in fact included in the correspondence for this meeting, and they certainly would be included in any further correspondence, so rest assured that they will be notified and asked for feedback.

Mr. Cooper: Excellent. Thank you.

The Chair: Okay. That covers what we had on our agenda today except for setting another date. We've discussed our future meeting schedule – or wait now. We haven't yet. Members have suggested that they're available – the suggested dates are September 29 or 30, or they'll be polled to determine their availability for another time. Is there any feedback or any discussion on that?

Dr. Starke: Madam Chair, I will be unavailable on both of those dates.

The Chair: Okay.

Mr. Orr: Maybe everybody is aware of this, but let's remember that the government motion requires this to be wrapped up by the 27th of October, so we are tight on time to keep the meetings – like, not push them back.

The Chair: Okay. We'll poll the committee for availability, and we'll send out correspondence as to when we're going to be able to have the next meeting.

Okay. Now that we've discussed the future meeting schedule, I'll call for a motion to adjourn.

Mr. Cooper: So moved.

The Chair: MLA Cooper moves to adjourn. All those in favour? Any opposed? None. Okay.

Thank you, everybody, for being here today and for your input.

[The committee adjourned at 1:38 p.m.]

