

Special Select Standing Committee on Members' Services

Monday, June 13, 1983

Chairman: Mr. Amerongen

10 a.m.

MR. CHAIRMAN: (Not recorded) guess you haven't seen this. This is the third draft now. I was going to suggest that we just take a minute or two to read it, unless you first want to approve or deal with the minutes. I think it might be just as well if we read this third draft, which I also have seen only this morning, and then we might start and deal with the minutes of the last meeting. Is that agreed?

MR. PURDY: What tab is that under, Mr. Chairman?

MR. CHAIRMAN: The minutes?

MR. PURDY: No, the draft.

MR. CHAIRMAN: Six.

MR. KOWALSKI: So you're going to give us a few minutes to digest it.

MR. CHAIRMAN: Don't you think we should?

MR. KOWALSKI: Yes. Absolutely.

MR. CHAIRMAN: It will save time during the meeting.

MR. CHAIRMAN: Is everyone ready to start? Mr. Blain has kindly provided these preliminary consolidations of the Legislative Assembly Act, with the amendments that were passed. These will be very useful to us until the printed ones come out.

Should we then start with the minutes? There are some items in the minutes requiring attention, some of them by the chairman and some by the staff of the Assembly, which have not yet been attended to.

First of all, following our discussion as to whether the two opposition members are still members of the committee, we were able to find only one precedent, in the province of Ontario, where it was decided that members would not cease to be members of the committee unless the Legislative Assembly accepted their resignations. A week ago Saturday I asked Philip Laundry, who I think happens to be the outstanding authority in Canada on things parliamentary, has written a couple of books on it, and is now doing a third book. He's a former Clerk of the Parliament of Rhodesia and is now Clerk Assistant at the Table in Ottawa. He wasn't able to answer the question. I guess it comes up very rarely. So they have received notice of this meeting. But as long as we have four here, we have a quorum anyway, so it won't make any difference.

Going over the minutes, there was item 3, which is minute 83-196. That's been deferred, and I guess we don't have to deal with that today. Then there is item 6, minute 199 of this year. We have not yet done that, as far as I

know. I don't believe you've had copies of that correspondence as yet, and we'll see that it goes out sometime this week. I don't know if anyone has reported to John Gogo. I slipped up on it. In fact, we'll send him a memo to that effect. Or have we done it?

MR. GARRISON: No, you haven't.

MR. CHAIRMAN: Okay. We'll send him a memo, saying that this is an intracaucus matter.

Going on to minute 205 of this year, it was a suggestion of Dr. Reid that the Legislative Assembly staff consult with appropriate staff persons. I'm not sure there's been a chance to do that as yet. I think there's been a notable number of absences here in Edmonton in the last few days. Perhaps that could go over to the next meeting.

In minute 83-209, Mr. Hyland raised the question of looking into an increase in the constituency office allowance. I haven't reported on that yet, or have I?

MR. GARRISON: No, you haven't. But the information is in the last paragraph there.

MR. CHAIRMAN: Oh, right. This hasn't been sent out yet.

MR. GARRISON: No. The relevant information is in the last paragraph.

MR. CHAIRMAN: The funding of constituency offices was last considered on November 24, 1981, at which time approval was given for the provision of \$13,750 per member. I think the wording in the former Legislative Assembly Act was that I was allowed to increase this allowance on the recommendation of this committee. And that's what was done. Perhaps that might be a sufficient answer to Mr. Hyland's query for the time being.

MR. HYLAND: You've got something down as number 7.

MR. CHAIRMAN: That comes under this new order. This discussion you raised at the meeting wasn't in relation to the draft order that Mr. Acorn and Mr. Clegg have brought us today, and we'll be coming into that under new business.

So the last time it was adjusted -- and that's the only time, as far as I know. It was set in the statute after the '79 election, and it was increased once, in '81.

MR. HYLAND: It looks like maybe it's time to look at it again.

MR. CHAIRMAN: Well, it's now a year and a half old.

MR. HYLAND: A bunch of leases must have come in, in the last six months.

MR. CHAIRMAN: Do you want to stop here and deal with that item?

MR. HYLAND: I was just asking Charlene. Being as it's been a little better than three years since we started it and it took everybody awhile to get their constituency offices started, I would assume a lot of leases have come up or are probably coming up in the next couple of months.

MR. CHAIRMAN: Yes. Any discussion?

MR. KOWALSKI: A question for clarification. There has not been an adjustment since November 1981?

MR. CHAIRMAN: Is that right?

MISS BLANEY: That's correct.

MR. CHAIRMAN: It would seem to me there would be two ways of going about it. One would be to discuss sample rents and costs in various offices. The other would be to agree on a percentage. But I'm not sure that rents and secretaries' salaries have kept pace with inflation in the last two years. That might be a reason for not increasing it. Chances are that members who are renewing leases now running out may be able to get them for less than they got them for three years ago.

DR. REID: That depends which community.

MR. CHAIRMAN: Right.

MR. HYLAND: I've talked to a lot of the other fellows, and some of the secretaries aren't anywhere near what a lot of other people are being paid. A lot of them are doing it partly for something to do and the other part because of their dedication to the particular political party the member represents. If we went through some of the wages that are paid . . .

MR. CHAIRMAN: It would seem to me that it would be almost impossible to arrive at a formula that would take local conditions into account.

MR. HYLAND: You'd have to do something all over.

MR. CHAIRMAN: Yes. On a flat ceiling for everyone, it's going to mean that those who are in low rent areas are going to get posher accommodation, that's all.

MR. HYLAND: Or those would not use the extra money.

MR. CHAIRMAN: That would be nice too. That would be very welcome.

DR. REID: Mr. Chairman, in view of what has happened since November 1981, 18 months ago, I think there's no doubt that costs have gone up, at least in some communities. It depends on the terms of the lease. I know of at least two communities where they have considerably. If we don't address this at this time, the next presumably reasonable opportunity would be at the beginning of the next fiscal year, by which time it will be almost two and a half years without an increase. First of all, I think it's an item that should be on the agenda of this committee at the beginning of every fiscal year. I think it's a little ridiculous to wait until the beginning of the next fiscal year.

MR. CHAIRMAN: What we can do is include it in our estimates, which we usually start to prepare in July but often don't approve until December.

DR. REID: What I'm saying is that if we leave it until the beginning of the next fiscal year to put any increase on it, it will then be two and a half years since the last increase by the time that is implemented.

MR. CHAIRMAN: What we could do is include it in our estimates and then, as you said, review it at the beginning of the next fiscal year and actually increase the allowance.

DR. REID: I know from some members that there is a need for an increase for some of them. As the Member for Cypress pointed out, not everybody will necessarily spend it. But for those who have to have it, it's not a benefit for the individual member; it's the provision of a legislative service in that constituency, and I think we should fund it adequately to provide it. With an 18-month gap since the last increase, I think a 7 per cent increase is probably reasonable at this time.

MR. CHAIRMAN: Would you say 7 across-the-board?

DR. REID: Well, we have to set the limit at the 7 per cent increase. Whether or not members use it is up to the member's discretion.

MR. CHAIRMAN: I am wondering whether you would like to address it under the topic of salaries and under the topic of rent, then arrive at an average percentage.

DR. REID: Mr. Chairman, I think it varies so much across the province. In some places, salaries have not gone down, either because of office unions in the community or because of pressures on employment in the community. In others, they have gone down, for the opposite reasons. If this committee starts trying to dicker around according to the spectrum of salaries and the spectrum of lease costs in 79 constituencies, we'll never be finished. I think we should just put a ceiling on it and increase that ceiling by a percentage. And I think we should review it on an annual basis.

MR. KOWALSKI: Mr. Chairman, the dollar figure allocated for the constituency office allowance is essentially a global figure and has not, to my knowledge, been broken down based on rental aspects or salaries within it.

MR. CHAIRMAN: I was suggesting that only as a matter of analysing what we would recommend as an increase.

MR. KOWALSKI: Should Dr. Reid put forward a motion, I would be supportive of it on the basis on which he has outlined it, that in essence we should be looking at a percentage adjustment now and effect it for the current fiscal year.

MR. CHAIRMAN: What would you say about his number? He said 7.

MR. KOWALSKI: I think I can live with 7 per cent.

MR. CHAIRMAN: Is there any other discussion? This will of course be reflected later when we deal with this order that we make under the Legislative Assembly Act, and we won't have to rediscuss it.

DR. REID: That's why I didn't make it as a motion. I wasn't sure whether this was the place to make it or the next item.

MR. CHAIRMAN: Would you rather save it until we come to item 6?

HON. MEMBERS: Yes.

MR. CHAIRMAN: Okay.

Then there was minute 83-210, concerning telephones. The Clerk is away at a conference, and I don't know whether the administration has had a chance yet to look after the memo referred to in the fourth paragraph of 83-210. Might that go over?

MR. HYLAND: Why don't we just send it out? Why hold it for another meeting?

MR. CHAIRMAN: No, we'll make sure it's done. All right. If it's done, it doesn't have to go over.

MR. HYLAND: It might as well be done through the summer, because the sooner they get that in . . .

MR. CHAIRMAN: Are you content then with the assurance that this will be done promptly?

HON. MEMBERS: Agreed.

MR. BLAIN: Mr. Chairman, just a comment on that. We've already looked at that, and the Clerk is working on that now. It should go out very shortly.

MR. CHAIRMAN: Those are the only items I have noted. I might have missed something. Have any other members any other business arising from the minutes? If not, is there a motion? We should have had that first. By Mr. Hyland, that the minutes be approved as circulated. Is it agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Now, concerns of visitors. As far as I know, we haven't any. All of us here are here in the course of duty. Well, we have Mr. Clegg and Mr. Acorn.

Number 5, opposition representation. I mentioned that in my preliminary remarks.

Number 6 is of course the main item on the agenda. No doubt you will all have at least skimmed it. One of the preliminary, general suggestions I was going to make is that we might consider dividing this into seven orders. I see a look of alarm on Mr. Acorn's face. What I'm thinking of is that in the future, from time to time, we're going to be amending parts of this order. Instead of saying order 1, part 5, it seems to me that we could have a very tidy arrangement and reference if we just had a separate order for each category of expenditure. That's just a minor, overall comment.

There's another general comment; that is, as a result of today's discussions, you might wish to consider whether some of the items should be referred to the Auditor General to see whether he would foresee any difficulty in auditing our accounts. In other words, sometimes he has said: I can't handle this in the way I should, because the guidelines aren't definite enough. He said that about representation allowances and communications allowances. He put that in two of his reports, as a matter of fact. Since we've had it looked at from a legal and a drafting point of view, I thought we might perhaps also have whatever we do looked at from an accounting point of view.

With that, would you like to start the discussion of item 6? The first heading is constituency office allowances and expenses. Are there any comments on that one?

MR. ACORN: Mr. Chairman, I might just mention that what appears as section 2 in the old Act is now split into subsections (2) and (3) here. Apart from that and some minor editing, the section is virtually the same as the old Act. Clauses (c) and (d) in subsection (3) are new.

MR. KOWALSKI: Mr. Chairman, just at the outset, these orders we are looking at with respect to the members' benefits order are orders this committee would be looking at periodically. There would be considerable modifications if there were something we agreed to today. After the circulation of this to all Members of the Legislative Assembly, should they come back to us and say that the interpretation of this is such that it's not clear, we would bring it back to this committee and reallocate it.

MR. CHAIRMAN: I think Mr. Acorn and Mr. Clegg would agree that the power to make an order implies the power to amend it.

MR. ACORN: Oh, absolutely. And the beauty of this thing is that as long as you are amending or replacing this order during this fiscal year, you can make it retroactive to April 1, 1983, under that transitional provision.

MR. CHAIRMAN: It might be a little hard on Miss Blaney with her books if we did it too often.

MR. CLEGG: Mr. Chairman, if I may. I think there's an important point: it can be adjusted if it's found that the Auditor General prefers some different wording or if it's found not to suit what members require. There would be fairly considerable administrative problems if the order were deferred for much longer after this meeting for further amendment and consideration. We can't operate very much longer without anything in existence. So bearing in mind that the matter can be adjusted at any meeting of this committee, I think we have to bear in mind that it's very important that, if at all possible, it be passed today.

MR. CHAIRMAN: Okay. Dealing with the constituency office allowance and expenses, the question that arose in my mind was whether subsection (1) would permit a custom which apparently some members follow, including the Premier, of not having a fixed-location office but making periodic appearances in a shopping mall. Les Young is doing that. This says "rental office space . . . in a fixed location and . . . in a structure that may be moved". A periodic stand in a shopping mall, especially if you were moving from mall to mall, would fit under neither of those, I would suggest.

MR. CLEGG: You might say it fits under both. It's in a fixed location, and it consists of something which can be moved.

MR. ACORN: In those situations, is there some rent to pay?

MR. CHAIRMAN: Sure. You pay a fee to the shopping mall.

MR. ACORN: And what do you do, just have a little kiosk or something like that?

MR. CHAIRMAN: That's right. Or in the mall itself, with those movable screens around your position, or you might get temporary office space. Both possibilities exist. Sometimes a vacant shop that doesn't happen to be used. First of all, they put an ad in the paper the night before, which I suppose could come under the constituency office allowance or the communications

allowance. I don't know what that would be. But they advertise it before the date, and then have signs up around the location on the date.

MR. ACORN: Did you say that the Premier had no fixed constituency office?

MR. CHAIRMAN: I think he's doing both. He shares an office with Dennis Anderson, but he's hardly ever there. But what he has done, and Les Young, and I don't know who else -- they have just arranged for occasional dates on which they're available at a shopping centre. They say the Premier can talk to as many as 30 people in half a day at one of those stands. As far as the public purse is concerned, it's cheaper than having a full-time office.

MR. ACORN: Because it isn't an office *per se* in the normal sense, I would suggest that that could be fitted in as a separate clause in subsection (3), rather than trying to tinker with the definition.

MR. CHAIRMAN: But suppose you just took the word "office" out in 1(1)?

MR. HYLAND: In other words, if you take that out, then anybody who didn't have an office could rent a car and drive around his constituency in a car.

MR. CHAIRMAN: That's there now.

MR. HYLAND: Yes, but if you take the word "office" out, I think . . . I know a motor home is used.

MR. CHAIRMAN: You could simply say "and office space that may be moved from place to place", and leave the structure, cars, and stuff out. You could use a flying carpet.

I guess it was too early for that.

MR. KOWALSKI: Mr. Chairman, again following through what I said a little earlier, I think there has to be some inherent understanding in some of these things. Basically, we're looking at guidelines and some interpretation to go with that. I like the suggestion you made that 1(1) read: rental office space includes space that is in a fixed location. That would certainly cover the interpretation of the stationary constituency office and also allow the interpretation to rent a day room or an office for a day periodically, wherever, in various shopping centres and the like. The latter part of that phrase covers the other aspect, that it's in a structure that may be moved from place to place, which is an understanding we have right now.

MR. CHAIRMAN: Yes, you could use a camper or whatever. You could use a marquee, if you wanted -- put it up near somebody's picnic. I think as long as this money is being spent for the purpose for which it's intended, we should be permissive rather than restrictive. Let's not put limits on members' imaginations. Would you agree that Mr. Acorn might . . .

MR. ACORN: Is the suggestion, first of all, that the word "office" come out after "includes", so this includes space?

MR. CHAIRMAN: And that "structure" come out.

MR. ACORN: And "office space that is in a structure": what are you doing with that clause?

MR. CHAIRMAN: My suggestion would be that you expunge "office" entirely from the subsection.

MR. ACORN: So that it would read, "rental space" includes.

MR. CHAIRMAN: That's it. That would mean that if the member owned the space, he couldn't claim a constituency office allowance for it. Let's not get into the question where his son or his wife owns the space.

MR. ACORN: So far, I have the word "office" struck out in three places. Now, what else did you have in mind?

MR. CHAIRMAN: "Structure".

MR. ACORN: And "space". Okay, but if you strike out "structure", what else are you striking out?

MR. CHAIRMAN: Whatever goes with "structure".

MR. ACORN: And space that is in a . . .

MR. CHAIRMAN: . . . in a fixed location or may be moved from place to place.

MR. HYLAND: So you can rent a tent.

MR. CHAIRMAN: Sure. But you could call that a structure.

MR. ACORN: So you're striking out the words "office space that is in a structure".

MR. CHAIRMAN: If you change the term to "rental space" and give a definition of that to include space that's in a fixed location or that may be moved from place to place, then I think you have it covered.

MR. ACORN: With respect, it looks odd to me: space that may be moved from place to place.

MR. CHAIRMAN: Yes, but the question is, is it real? I agree: space is not usually something that you move. You move in, to, or from. What about "accommodation", or some such word? Facility?

MR. HYLAND: No, "facility" gets you into fixture.

MR. CHAIRMAN: It's a little difficult for 12 people to draft a camel.

DR. REID: Mr. Chairman, I think the answer is to leave the phrase that is presently in inverted commas, "rental office space", and remove the word "office" in the two other places and the phrase about structures. In this section, rental office space includes space that is in a fixed location and space that may be moved from place to place.

MR. CHAIRMAN: I think we should make it as permissive as possible. There's another possibility, especially in rural areas. I can see where a secretary might have her own home and set aside part of it as a constituency office. It would then be in a private house. When I started to practise, I had a law office out in Stony Plain in Dr. Jespersen's former house.

DR. REID: Perhaps the legal scribes could work out some suitable wording, and we can approve the principle.

MR. CHAIRMAN: The main thing is for us to indicate our intent, and then ask Mr. Acorn and Mr. Clegg if they might kindly give effect to it. Is that all right for that one?

MR. KOWALSKI: It certainly is, Mr. Chairman. In going along with the guideline you gave us a couple of minutes ago, in this instance I think it should be as permissive as possible.

MR. CHAIRMAN: There was another comment.

DR. REID: Mr. Chairman, I think it's in sub (2) that I should make the motion to change that to \$14,712.50, or whatever it comes to.

MR. CHAIRMAN: Right. Could we round it?

MISS BLANEY: Couldn't we just use 7 per cent?

MR. BLAIN: Well, 7 per cent is \$14,712.50, so I would suggest that the committee round it to either 700 or 725.

MR. CHAIRMAN: How about even hundreds?

DR. REID: Yes, \$14,700.

MR. CHAIRMAN: Is that all right?

DR. REID: I'll make that motion.

MR. CHAIRMAN: I think it was seconded by Mr. Kowalski, wasn't it?

MR. KOWALSKI: Yes.

MR. CHAIRMAN: Are you all agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Carried.

Okay, now if we could go to the next page, I was going to raise a query there. In subsection (5), it says:

The Clerk shall, on the request of a Member, enter into the agreements on behalf of the Member that are necessary to provide . .

What do you think about the possibility of an impossibility? For example, a member wants the Clerk to enter into a five- or 10-year lease. That could take us past two elections. We have a form of lease now that has been rather painstakingly worked out for considerable flexibility and which prevents the Clerk from being tied down too long. One member may not run again; another member may be elected, defeated, or something; and the new member may not like that location at all. So we like to be able to get out of it as soon as we can. I think the wisdom of that was proven after the last election, when we were tied into comparatively few locations where we had to say to an incoming

member: sorry, we have an office there; you're going to have to use that one up before you can go to another one.

If you took the literal translation of subsection (5), where it says "shall", the Clerk might be in the position where he'd have empty space engaged for the former member, but because of "shall", he might be compelled to engage new space for the new member. It says "on the request of a Member".

DR. REID: Mr. Chairman, surely the operative phrase is "that are necessary to provide the things". One member should not be able to compel the Clerk to sign that type of long-term lease which would run for any considerable time beyond an election.

MR. HYLAND: Yes, that's partly what I was going to say. Doesn't the present agreement have a 30- or 60-day cancellation clause in it?

MR. CLEGG: It's longer than that. I think it's 90 days. It's only in the event of an election being called or the resignation of a member.

MR. CHAIRMAN: Would you have several copies, Miss Blaney?

MISS BLANEY: Certainly, sir.

MR. HYLAND: I suppose if somebody wants to tie in for a 10-year lease, which I would doubt they would do . . .

MR. CHAIRMAN: No, I'm just giving the example. But even five years . . .

DR. REID: But surely if they wanted to tie into that, the Clerk would have the right to say, it is not necessary to provide that for you.

MR. CHAIRMAN: I'm only raising it in case it might be interpreted in that way. I'm suggesting that Mr. Acorn and Mr. Clegg might consider it.

MR. CLEGG: Well, we could also just put the word "may" as the third word, and then that would also be satisfactory.

MR. CHAIRMAN: Either that or provide for an appeal procedure to this committee, perhaps. But that would stall things.

MR. HYLAND: If you put "may", though, what happens? I suppose it could if you go 10 years. If the Clerk decided he didn't like the location that you had picked, then he might refuse to sign it.

MR. CHAIRMAN: Or if he had a relative who had some space that he wanted to fill.

MR. CLEGG: I think the Clerk has more to lose by having an unsatisfactory conflict with a member than the member does. Obviously, neither side should be able to force the other side to do something which is improper.

DR. REID: That's where the phrase "that are necessary to provide the things" . . .

MR. CHAIRMAN: Glen, do you think there would be any help there if you said "reasonably necessary"? Does that help, or does "necessary" mean "reasonably necessary"?

DR. REID: Whoever heard of a reasonable politician?

MR. CHAIRMAN: And a reasonable Clerk.

MR. ACORN: Whenever you have an adjective, of course, you create two classes: reasonable and unreasonable. Then the next question is, who decides what is reasonable?

MR. CHAIRMAN: That's what I'm thinking. If you leave it open, then you assume -- if you wanted to be really, really complete about it, you could say: subject to an appeal to the Members' Services Committee. I think the very prospect of that appeal would make them come to an agreement.

MR. CLEGG: If there was a conflict, I think the matter would come to the committee in any event, for guidance to either party to the dispute.

MR. CHAIRMAN: I think we should be clear about it, because otherwise we're going to have to amend the order in case of an impasse.

MR. ACORN: You may want to provide for that sort of thing not just on this section but on quite a few others. You might want to provide some procedure, perhaps with the initial decision being made by the Speaker, through an appeal to the committee, or whatever. If you want [inaudible] right now, before the next meeting.

MR. CHAIRMAN: As a matter of fact, until now he and I have been dealing with it in this way. I don't know if we've ever had to come to the Members' Services Committee to resolve an impasse. It's always worked out. I'm just looking at the language of it, to see if it can be interpreted . . .

Somebody was asking about flexibility. Item 2(b) gives us the opportunity to cancel.

MR. CLEGG: It's three months after a vacancy or an election.

MR. HYLAND: What about Mr. Acorn's suggestion? This may not be the only one, and there may never be a problem with it. But what about a line at the end, if the member wishes to appeal or doesn't agree with any of these, that there may be appeal to the committee?

MR. KOWALSKI: Well, that's inherent.

MR. CHAIRMAN: Or you could simply say in the case of an unresolved disagreement between a member and the Clerk, or whatever, the matter shall be decided by the Members' Services Committee.

MR. ACORN: The Speaker, as department head, has the responsibility for the administration of the Legislative Assembly appropriation. Therefore, whether the cheque issues or not depends basically on your decision, as department head.

MR. CHAIRMAN: Partly. But what happens if the member says: look, I'm requesting you to rent that office; the fellow is willing to sign a three- or four-year lease, and he doesn't want this monkey business you have in here about cancelling on three months' or 90 days' notice in the event of an election; there's a section that says "shall"; now get to it and sign.

MR. KOWALSKI: Mr. Chairman, I think that the lease that has been developed over the past several years is a very good one. If we take a look at section 2 of the lease, there are two operative factors. The first is in section 2(a): "not more than 36 months".

MR. CHAIRMAN: Yes, this was an arbitrary decision by the Clerk and myself because we had to be practical about administering the funds.

MR. KOWALSKI: I think that's a very good clause to have in it.

Secondly, in the event of a vacancy or an election, in (b) there is a provision for a termination on three months' notice. I think it would be most inappropriate for a Member of the Legislative Assembly, first of all, to assume that he would necessarily be re-elected and, secondly, go the next step and cause the Clerk of the Assembly to enter an agreement beyond the term of office that that member might normally expect to have.

MR. CHAIRMAN: Yes, but suppose the member thinks he has the opportunity to be difficult, the Clerk refuses to sign, and the member comes up in the House with a breach of privilege.

DR. REID: You refer it to Members' Services Committee.

MR. KOWALSKI: I think the Members' Services Committee . . .

MR. CHAIRMAN: Well, that's Mr. Acorn's suggestion.

MR. KOWALSKI: Right. I accept that.

MR. ACORN: If I follow this . . . I'm sorry. I just wanted to make sure this was still on the table, that any kind of an appeal to the Members' Services Committee would be referable to virtually anything that arose under the order, because there are many, many areas here that can be the subject of dispute.

MR. BLAIN: I was about to suggest to you, Mr. Chairman, that retention of the word "shall" provides two-way protection: it protects the member and it protects the Clerk.

MR. CHAIRMAN: Yes, as long as we have a way out of a possible impasse.

MR. HYLAND: You talked earlier about some concerns of the Auditor General. We've seen before -- four or five years ago, when we were going to make the allotment for constituency, when it was split 5,000 and 5,000, we thought we lumped it together to make it more flexible, and we found out that we didn't. You get stuck on legislation that can't be moved. I'd sooner see such a suggestion get by with a notation in minutes than in legislation. It's a lot easier to change motions in minutes than it sometimes is to change legislation.

MR. CHAIRMAN: But as was pointed out earlier, we have a reasonable amount of flexibility when this sort of thing is delegated to a committee like this.

MR. HYLAND: If it's possible, I would sooner retain that flexibility.

MR. CHAIRMAN: Well, what do you think about Mr. Acorn's suggestion that there be an overall simple appeal mechanism to this committee?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: We can have a meeting by telephone, can't we, if it's an urgent matter?

MR. CLEGG: Mr. Chairman, may I suggest that we provide that disputes should be determined by Mr. Speaker, with an appeal to the committee, because Mr. Speaker is the department head. If we make the direct appeal to the committee, it seems to go around and obviate the normal provision, that the department head makes initial determinations of administration in his department.

MR. CHAIRMAN: It could save time and bother. I would promise not to be too sensitive about being overruled.

MR. KOWALSKI: In essence, Mr. Chairman, according to what Mr. Clegg is saying, there would be two levels of appeal. If there was a dispute, the member would first of all appeal it to the Speaker. Should the member still be unsatisfied, it could then be appealed to the Members' Services Committee. That would be fine.

MR. CHAIRMAN: Would you like to give me an option, so that I could refuse to deal with it if I thought it was something that should go directly to the committee?

MR. HYLAND: You'd have that option, wouldn't you?

MR. CHAIRMAN: No, I wouldn't. If you had to come to me first, I'd have to decide and then go to the committee.

DR. REID: That's right. There is no such thing here as the Scottish [inaudible]. That shows the wisdom of Scots' law.

MR. CHAIRMAN: That's for sure. That's a very good device that should have been copied a lot more than it has.

MR. HYLAND: I have no problem with that.

MR. CHAIRMAN: Okay. Can we leave that with Mr. Acorn, then?
I had another little query about subsection (6).

DR. REID: Mr. Chairman, before we go to that, I just want to make sure that in sub (4) the word "equipment" includes copiers and minicomputers. I'd like to have it in the transcript. That's all I'm saying this for, to make sure it's in the transcript.

MR. CHAIRMAN: Yes, you could again run into an interpretation of "necessary". I had overlooked that. Do you want "necessary" in there? Because that's very much a matter of opinion. But if you have the overall appeal procedure, you're all right, aren't you?

AN HON. MEMBER: I think so.

MR. CHAIRMAN: Sure. That will cover (4) as well as (5).

MR. ACORN: I'm sorry. Did you suggest that "necessary" stay in or come out?

MR. CHAIRMAN: No. If it stays there and there's an impasse, then with that provision you suggested the impasse can be remedied.

This opens up an area I'd be very reluctant to deal with myself: the suggestion we have that certain word processors and so on be included in the equipment. We've never really resolved that one, and I'm not sure whether I'd like to bite that particular bullet.

MR. ACORN: This is true, isn't it, that a word processor doesn't come within the overall limit of \$14,700?

MR. CHAIRMAN: That's debatable, because some members have suggested -- in fact, one or two ministers have suggested -- that they should at their option be entitled to use part of that money to buy a word processor, which then, of course, as you've rightly done in another part of the draft, makes it public property.

MR. ACORN: I would not have thought that a word processor was within subsection (3). It's separate and apart from the allowance.

MR. HYLAND: They might argue that a word processor is now as important in an office as a typewriter. That's the argument they put forward.

MR. KOWALSKI: And that would come under (3)(b), office and secretarial assistance and related services.

MR. CHAIRMAN: I think that refers to people, rather than machines.

MR. ACORN: Yes, that's services. There's no question. It's not machines, unless you're -- at best, your rent.

MR. CHAIRMAN: Miss Blaney can give you examples of what we have provided heretofore. And perhaps you could mention where it came from, whether it came from Government Services or from us.

MISS BLANEY: Mr. Chairman, we provide typewriters, which we purchase. If a member does not rent the office space, we provide a rental typewriter, because the Auditor General will not allow us to inventory into a space where we do not have the authority, where we do not lease from. So we provide rentals. There are only three at this time where we have rental typewriters. We also provide transcriber and dictation equipment, and a telephone answering device.

MR. CHAIRMAN: And all of that comes out of the constituency allowance?

MISS BLANEY: No, that's provided by general administration budget.

MR. CHAIRMAN: That's right. It comes out of general administration.

MISS BLANEY: At present, no equipment items are purchased out of the constituency office budget.

MR. CHAIRMAN: Didn't we have one example where a member bought a word processor?

MISS BLANEY: He bought that out of his communication allowance.

MR. CHAIRMAN: That's right.

MR. HYLAND: Does that become a problem when we've now allowed that to be pooled and spent how you wish? You can move it from one to another.

DR. REID: At the discretion of the member.

MR. HYLAND: Didn't we? Sure we did.

MR. CHAIRMAN: You're talking about between machines and people.

MR. HYLAND: No, I'm talking about -- I thought we had in the minutes that you can pool constituency office, communications, and promotion, as long as you don't exceed the total.

MR. CHAIRMAN: I don't know if that's envisaged in the present text of this order.

MR. HYLAND: We put it in the minutes.

MR. CHAIRMAN: I'm not sure Mr. Acorn had access to our minutes, as far as I know.

MR. PURDY: Mr. Chairman, as a member of Privileges and Elections, that's where that recommendation came from.

MR. CHAIRMAN: That's right. That came up when Bill 67 was under review by that committee, didn't it?

MR. PURDY: That's right. It was a recommendation that all three allowances be pooled, if the member wished.

MR. CHAIRMAN: Pooled, though.

MR. HYLAND: You can move from one to the other.

DR. REID: Mr. Chairman, I think what is needed, reviewing this, is that in sub (3) we need sub-sub (e) to cover copiers, word processors, and that type of equipment. Because if we have it in sub (4), it would come out of some other budget. We want the member to have to make a decision within his global, pooled budget that he will do this out of that budget and not out of some other funds out of general services.

MR. CHAIRMAN: Then on the basis of what's gone on heretofore, you are in effect cutting the allowance, because heretofore the member has had that over and above the allowance, out of our general administration fund.

MR. HYLAND: Not word processor or photocopier.

DR. REID: Not those items, Mr. Chairman.

MR. CHAIRMAN: No, but he's had -- unless you're going to specifically designate word processors and photocopiers. He's been getting his phone answering devices, dictating equipment, and typewriters.

DR. REID: I was going to say, copiers, word processors, minicomputers, and similar equipment.

MR. KOWALSKI: Mr. Chairman, I think we may be getting ourselves into a little box here. The way this draft order has approached the subject, there are three separate sections: one deals with the constituency office allowances and expenses; another one deals with the communication allowance; and the third

one deals with promotion allowance. The way it's worded in all three is that we're talking about certain levels of dollars for the three.

The basic approach the Members of the Legislative Assembly wanted the Members' Services Committee to be working towards is that the three dollar-levels could be pooled together at the discretion of the member. If a member chose to exceed the \$2,100 identified for the promotion allowance and transfer funds out of the constituency office allowance or the other allowance, and spend \$4,000 or \$5,000 on the promotion allowance, that would be acceptable; or vice versa, to spend a lesser amount of the communication allowance and a greater amount of the constituency office allowance would also be acceptable.

The way the draft order comes in here, we're still going to be restricting the member, as I understand it, to a level of expenditure in each of those three areas, according to what would be identified in this document. That would not be in keeping with the general intent we want to be proceeding in.

MR. CHAIRMAN: Yes, but we have to go according to the intent of Bill 67. With respect, it seems to me what you're suggesting is leading to this: we simply total all three allowances, and then we list as items for which that total may be expended all of the categories that we now have in three different places. Where do we end up then if we don't have an identifiable constituency office allowance? What does that do to our duty to have to adjust that allowance from time to time?

MR. KOWALSKI: I see no problem with it. The members suggested we should be moving towards a global approach. At the end of each year, whenever there was a review, we would either have to make arguments that if there are three sections to it, they might be adjusted by themselves or we might simply say that it's really immaterial, from the point of view of this committee, whether the adjustments should be of one particular aspect of it or a global adjustment for the three of them put together.

MR. CHAIRMAN: Mr. Hyland. Then perhaps we could go to Mr. Acorn, to see what kind of changes that may involve.

MR. HYLAND: As I remember what we suggested -- and I think the suggestions that went to the Committee on Privileges and Elections are in our minutes. As I remember the problem, it's government procedure that you can move money within a vote. Isn't that right? And these are all the same votes, except the constituency office was in legislation, and it prevented the movement. The idea was to take the specificity of it out of the legislation, so that you could do a normal transfer of money within a vote like any government department can do. That was the theory we operated on when we suggested it go that way.

The one example I can think of is the computer David King bought. He did have money left over in total dollars but not in the right places. He had more than sufficient money in his constituency office allotment. But because it was named in legislation, he couldn't get the money, and he couldn't use it for a word processor. He didn't have sufficient money left in his communications allowance, which was where two or three of the other members bought a word processor, because their predecessors had not used up their communications allowance.

MR. CHAIRMAN: What happened here is that this committee, at the meeting of May 16, moved that a recommendation be made to the Standing Committee on Privileges and Elections. It was moved by Mrs. Cripps that:

A recommendation be made to the Standing Committee on Privileges and Elections, Standing Orders and Printing, to combine the constituency allowance, the communication allowance, and the promotion allowance to allow members to move funds from one allowance to another at their discretion for their constituencies.

What that raises in my mind is, has this been overruled by the text of Bill 67? Mr. Clegg or Mr. Acorn?

MR. CLEGG: Mr. Acorn may wish to speak on that last point, but I'd just like to mention I don't think it does overrule it. I think this text permits the committee to set these allowances and doesn't prevent them from making them interchangeable. But the reason it wasn't immediately reflected in Bill 67 was this: the Members' Services Committee made a recommendation to the Standing Committee on Privileges and Elections. The Standing Committee on Privileges and Elections made no decisions at all on anything. It never made a report. Therefore the issue comes back to this committee again. There's no problem at all. If this committee now passes a resolution that they be pooled, I think we can draft the order to pool them with no problem. But at the time this was happening, it wasn't anticipated by myself and Mr. Acorn that the privileges committee would not report. Therefore, the privileges committee made no specific recommendations. It listed concerns, and that's all it did. So the recommendation which this committee has made before was never passed in concrete by that privileges committee, so it now comes back to this committee for a resolution.

MR. CHAIRMAN: Ken, would you mind if we just heard from Mr. Acorn for a minute?

MR. ACORN: What you see in the draft doesn't reflect that other recommendation, because we still have three distinct allowances.

MR. CHAIRMAN: In the Act.

MR. ACORN: No, in the order. If I can just switch to the Act for a minute, section 45 does not compartmentalize anything. It doesn't prohibit the pooling of the allowances. Now, it's true that clause (a) deals with constituency office allowances as a separate clause. But I just had a parlay with Michael, and we don't think that would preclude that allowance being lumped with others. I guess the point is: does this committee wish to pool those three and have one figure with separate authorizations as to what that overall allowance can be used for?

MR. CHAIRMAN: It seems to me we're drastically changing the nature of those allowances. If we pool them and say they're for all these purposes, then there's going to be one allowance for all, and maybe that's the practical thing to do. But now that we have it structured in this draft, what would you think about a provision that simply allowed a member to transfer from one to the other and increased the limits, and still keep the specifics? I think the Auditor General is going to find it a nightmare if we just . . .

DR. REID: Mr. Chairman, because of the nature of the communications allowance, which is related to the number of electors in that particular constituency, it's very difficult to have one common pot. Interchangeability is the factor.

MR. CHAIRMAN: What do you think about leaving the structure the way it is,

transferred from one allowance to another, with some better language than that?

MR. HYLAND: I think that was the intention. It's not necessarily the total pooling in the pot. If you're short in one allowance because of something -- and it may or may not be a whole lot -- you can move it to another. I think what started it was the problem with David King and his computer, with sufficient money left to cover the cost but no ability to get at it.

MR. ACORN: May I just ask you this. I suggest that it's not a drafting problem to determine an overall allowance for each member; it's simply a case of working out the mathematical formula, which would be \$14,700, plus \$2,100, plus the communication allowance indicated at the top of page 4. That's not a drafting problem. It just means that every member winds up with a different figure, because his constituency numbers are always different.

MR. CHAIRMAN: That won't affect the northern members either, will it? That's a different category.

MR. ACORN: That's not really an allowance. That's an expense.

MR. CLEGG: Mr. Chairman, if I may make a comment here. I think it will have a different indication to members. There will be a different policy direction from having a lump sum and saying that this lump sum may be used for these three purposes than if you take the three areas and give an indication of what those sums are going to be and allow a member to make exceptions. I think it gives a slightly different image to the arrangement. I think it makes it look more structured to allow the member to move funds around by written direction. It's the same way in which subvotes can be moved by Treasury Board minute. There's a basic structure laid down that in special circumstances that can be moved by a minute. So it's not quite the same thing.

MR. ACORN: Aren't you going to potentially have the possibility of a great deal more paper with 79 MLAs moving their money?

MR. CHAIRMAN: Transferring money?

MR. ACORN: Yes. When they get to one limit, they have to then tell Charlene to move this money over here and switch it from one compartment to the other.

MISS BLANEY: Mr. Chairman, we considered it from an administrative viewpoint. If the funds are lumped together from the beginning, it's most certainly easier administratively. Otherwise there will be a fair amount of paperwork. It'll be all done near the end of the fiscal year as well. That's our expectation.

MR. HYLAND: But you might only get one letter from half the people, too. Or you might get one from everybody.

MISS BLANEY: We'll never know until we try it.

MR. CHAIRMAN: So you would develop a formula for arriving at the total. Then you would list in one long list what is now in three parts, as to what that total might be used for.

MR. HYLAND: Mr. Chairman, that may take away the intent of it. For example, what is Stan Nelson's communications allowance?

MISS BLANEY: \$32,000.

MR. HYLAND: So he's got \$32,000, \$14,700, and \$2,100. So that's \$48,000. He can spend \$7,000 on an office. He can hire a \$40,000 assistant. Then we're going to get into abuse.

MR. CHAIRMAN: He can buy \$40,000 worth of pins.

MR. HYLAND: The intent was for such things as people wanting to go into computers or something. So the person had to make the decision, and it didn't cost the Assembly *per se*, any extra funds out of what we supplied. The member made the decision that if he had a large enough constituency in numbers and if the budget was there, he could use that money to purchase these things instead of making a mailout or something like that. The intent was not to be able to lump the bunch together. You know, you could do quite a bit with \$47,000 if you wanted to just put it all in an office. Mind you, after redistribution, whenever that comes, for a couple of years you might be down again. But there's nothing to say that another constituency created might do the same thing later on.

MR. KOWALSKI: Mr. Chairman, the intent of all of this was basically to permit transferability from one to the other. I think the example just given by the Member for Cypress is extreme in the like because the other extreme would be some rural members like himself who, instead of looking at that \$32,000, would probably find \$3,000 or something. We have extremes at both ends. The whole intent of all of this basically was to permit transferability from one of these three areas to the other three areas. If you follow through on the suggestion put forward, there's a clause someplace in this order that says: notwithstanding any of the above, should a member desire to accentuate a transferability, he should do so by way of a written memo to the administrator, and so notify and request.

Then we can basically follow through with the categories we have in here with some identifications as well and just add one other item; that is, to permit the purchase of these microcomputers or word processors as an acceptable item under one.

MR. CHAIRMAN: We're dealing with a new concept. With all due respect and tender regard for Miss Blaney and her staff, suppose we try it. If it gets to be awfully burdensome or develops other difficulties, we'll come back to the committee. In fact, we'll send you a memo first and you can consider it long before we have the meeting.

MR. BLAIN: Mr. Chairman, if I might speak very briefly in support of your suggestion of transferability, I think that is the desirable approach for two reasons. One is that pooling the three allowances destroys the original intent of each allowance. Second -- these are both from an administrative point of view -- I think a system of transferability will be more easily audited, which is a factor to be considered.

MR. CHAIRMAN: Dr. Reid, is that the skeleton of a motion you have on the blackboard?

DR. REID: Not really. I was rubbing out and writing in again. I can see the same difficulty as expressed by the Member for Cypress because of the tremendous variation in the communication allowance. I just don't think that what we've got up there will work as a pool. The variations are extreme

because of the difference between, say, Bow River with 7,000 and Calgary McCall for 42,000.

MR. CHAIRMAN: Could there then be a motion from someone that would give Mr. Acorn something on which to work?

MR. ACORN: If this communication allowance is really the one allowance that is causing all the difficulty, would you consider lumping the constituency allowance with the promotion allowance and leaving the other separate?

MR. CHAIRMAN: It's slightly contrary to the spirit of what we resolved to recommend to the committee on privileges.

MR. HYLAND: I think the problem is with both. In the specific case we had to deal with, there was nothing left in the communications allowance but money was left in the constituency allowance, more than adequate to cover what was needed. But he had used his communications allowance up as a communications allowance -- promotional material, whatever went out. The money was in the constituency office allowance because of the rent, whatever he pays. That was where the problem arose.

MR. ACORN: Let me throw this out on the table. A transfer might be possible into the communications allowance, but not out; one way but not the other. So you can't take the \$40,000 in Mr. Nelson's case and shift it over -- skip your Christmas greetings and all this sort of thing -- and transfer it out. I'm just laying that out as an alternative, if the problem is that someone is going to have a very, very large, outsized communications allowance and be able to use it for the other two purposes.

MR. CHAIRMAN: I have a suspicion that Dr. Reid and Mr. Kowalski are coming up with a motion.

DR. REID: Yes, we're getting there.

MR. CHAIRMAN: I see great flashes of light coming around.

MR. ACORN: This reminds me of what happens within a supply vote. If a portion of a supply vote is devoted to grants, you can never take the grant money and shift it into some other part of the vote.

MR. CHAIRMAN: But can you shift it from one grant to another?

MR. ACORN: I think you can shift money into the grants from the support services or whatever, but not the other way round. You can't take the money out of grants and use it for something else. That's just an analogy.

MR. CHAIRMAN: A couple of years ago, I signed a transfer for \$25,000 for the Socreds to buy that word processor.

MISS BLANEY: That was out of supply and services, sir.

MR. CHAIRMAN: Yes. They had it left there and wanted it transferred.

MR. KOWALSKI: Mr. Chairman, if it's in order, I would like to propose several motions in an attempt to resolve this issue. I refer members to page 3 of the document, the section dealing with communications allowance. Certain items are listed under 3(1), as well as other items under 3(2). It basically says

that the member's communication allowance may be used for three items. I would add a fourth item by way of a motion. I move that a new clause, (2)(d), be included, which would read: the rental or purchase of microcomputers and word processors.

MR. CHAIRMAN: Is the intent of that motion to replace the previous proposal for transferability?

MR. KOWALSKI: No. I said there would be several motions.

MR. CHAIRMAN: I'm just wondering where we're heading.

MR. KOWALSKI: Well, I'll suggest to the members where I would like to see us heading. In essence, that is the first motion; that is, that (2)(d) be added. The second motion -- and I'll formalize this in a minute if it's a requirement of the committee -- I suggest is that there be a clause added to this document which would indicate that notwithstanding all of the above, there is a provision for the transferability of funds from either the communications allowance to the constituency office allowance or the promotions allowance and worked out in that way.

MR. CHAIRMAN: Unlimited interallowance transfer.

MR. KOWALSKI: That's right. The third motion would deal with the matter of the definition of rental office space, including furnishings or office and secretarial assistance. That would deal with photocopiers. We haven't raised that issue yet, but that would be the third one that I want to raise. The intent would basically be to see a modest photocopier provided to all constituency offices in the same form as typewriters, dictaphones, transcribers, or telephones.

MR. CHAIRMAN: That raises this other consideration, does it not? Since we're now providing some of that equipment out of general administration and it's not being counted against these allowances, if you now include it under the allowances, you are in effect reducing the allowances by whatever that comes to.

DR. REID: No, I don't think that's what the member is suggesting, Mr. Chairman.

MR. CHAIRMAN: But isn't that the effect? Let's just take it slowly.

DR. REID: Item (4) on the top of page 2 is where he's putting the photocopier, Mr. Chairman, not in item (3)?

MR. CHAIRMAN: Regardless of which allowance you put it under, if at present the members are receiving photocopiers out of general administration funds of the Legislative Assembly . . .

MR. KOWALSKI: We're not.

DR. REID: We don't have access to a photocopier.

MR. CHAIRMAN: They're going to be extra. I see. In other words, we will not be reducing the members' benefits by putting that in.

MISS BLANEY: General administration will have to provide the money.

MR. CHAIRMAN: What was it we gave them out of? It was typewriters . . .

MISS BLANEY: Telephone answering devices and dictation equipment.

MR. CHAIRMAN: All right. Do you want this done one at a time, or do you want a motion with three parts?

MR. KOWALSKI: I'm not sure that I'm capable of providing a motion with three parts, so perhaps the best way -- the members have more confidence in my ability. I prefer to go with three motions.

MR. CHAIRMAN: I have.

MR. KOWALSKI: I'll be guided by your confidence in me. I move the following three motions. Number one is that a new clause be added under the communications allowance section, to be known as clause (2)(d), which would read: the rental or purchase of microcomputers and word processors.

DR. REID: That's 3(2)(d)?

MR. KOWALSKI: That's correct. Motion number two would provide for the interchangeability of funds between the communications allowance, the promotion allowance, and the constituency office allowance.

Motion number three would see provision under clause 1(4) of a photocopying machine.

MR. CHAIRMAN: The motion is open for discussion.

MR. HYLAND: Two questions. I agree with the motion, but let me ask one question. I'm not sure there's an answer to it. Because my allotment isn't as high as many, let's use one of the larger ones for an example, the \$40,000 one we looked at. Say he's used \$15,000 and comes in and says to Kelly, I want \$15,000 worth of pins.

MR. CHAIRMAN: As long as he uses the pins for the purposes outlined, he gets \$15,000 worth of pins. They'll all be gold plated with diamonds.

MR. HYLAND: Number two: would mobile telephones fit into that? Because of the size of my communications allowance, I never had one because it would use up a third of the allowance. Yet because of what I paid for rent, there was always sufficient money in my constituency office allowance.

MR. CHAIRMAN: What about mobile telephones? Will Mr. Kowalski's motion plus the present text accommodate those?

MR. ACORN: Look at page 4, 3(2)(c).

MR. CHAIRMAN: Oh sure, it's expressly there.

MR. HYLAND: Yes, but now we can move it. Whatever it costs, I suppose I could just move that amount from the constituency office allowance and put it in.

MR. CHAIRMAN: Could we then go to voting on Mr. Kowalski's motion? Could I suggest one condition if you agree? That is that the motion be taken as expressing intent rather than text so the draftsman can blend it in.

MR. KOWALSKI: Certainly. I think I provided that caveat.

MR. CHAIRMAN: You provided a text on the first one and the intents on the next two.

MR. KOWALSKI: I'd be be happy to go with the intent.

MR. CLEGG: Mr. Chairman, before the vote is put, I wonder if the committee would like to consider that if we're going to mention specifically photocopiers under 1(4), would it be useful, valuable, and perhaps better for the Auditor General if we also confirmed now what we're getting now. So we should say: including but not limited to telephone, dictating equipment, typewriter, and basic photocopier.

MR. CHAIRMAN: When you put the typewriter in, you bring up the question that I mentioned a moment ago. They're now being provided out of general administration.

MR. CLEGG: They still are going to be. The intention of the amendment is that they should go into the general administration provision. There's going to be no deduction from communication.

MR. CHAIRMAN: So is that going to be an amendment to the motion?

MR. HYLAND: What you're saying, Mike, is that you'll name them but not exclude. It could be something else if it's needed.

MR. CLEGG: Yes.

MR. CHAIRMAN: I haven't got the text in my mind. I just hope that doesn't put the Clerk in the position where he says, well, I'll have to stop providing that out of general administration because it's provided for elsewhere.

MR. KOWALSKI: It's just the opposite, Mr. Chairman.

MR. CHAIRMAN: Are you ready for the question on the motion? Do we need an amendment to accommodate what Mr. Clegg just said? No?

DR. REID: I think we should amend it to put that in. I think Mr. Clegg's suggestion is quite important.

MR. CHAIRMAN: I haven't the text sufficiently clear in my mind to assist with an amendment.

MR. CLEGG: May I help, Mr. Chairman, by saying that I think the intention now, if the amendment would be passed, is that Mr. Kowalski's motion should be amended so that the change in section 1(4) should now read: "There may be provided to each Member the office supplies and equipment necessary for the operation of the rental office space referred to in subsection (3), including but not limited to a typewriter, a telephone answering device, dictating equipment, and a basic photocopier". That's my understanding of how it would then read.

MR. KOWALSKI: I would go along with that.

MR. CHAIRMAN: So that's accepted as part of the motion.

MR. HYLAND: I'm not sure that it fits here, but on page 6, 5(1)(g) . . . Normally for the mailing from the constituency office you have to get the stamps, keep a bunch around, and all this sort of stuff. It says

the mailing of the Member's correspondence, except for letter, pamphlets, brochures and greetings sent to constituents where the cost of mailing is chargeable to the Member's communication allowance . . .

I can understand the pamphlets and that should be paid from the communication allowance. But I've always wondered about general letters out of your constituency office. Do you have to pay them out of your communication allowance, which for us is further from Edmonton and you use the constituency office more in the off time? But if you live in or close to Edmonton, because of a word processor you may fire off 200 letters and out they go through general administration. If I send out 200 letters, my communication allowance goes down accordingly.

MR. CHAIRMAN: Dr. Reid, if I could just for a moment, before calling on you, recall that when the constituency office allowance first went in, we had a lot of discussion because it was very loose and wide open. The text in the Legislative Assembly Act that started that was very basic. So we considered equipment and so on and said to ourselves that if a member operates out of one of the upstairs offices, or now in the Ag. Building, all these things are provided. For members close to Edmonton, that's all they need. Why should members who have constituency offices and now, for convenience, transfer some of the work that was done upstairs to their constituency office, be at a disadvantage? That's why we started to provide these other items out of general administration, just as we cover what you do upstairs and over in the Ag. Building out of general administration.

DR. REID: Mr. Chairman, I think the item that the Member for Cypress is on to is rather like transportation costs. It's a fairly major item as to what constitutes mass mailing under the communication allowance and what constitutes normal correspondence from a member's office. Rather than holding up the proceedings today by getting into that discussion, I think we should defer that to a future meeting, along with the transportation items we've mentioned before.

MR. CHAIRMAN: Is that agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Before the motion is put, may I ask whether postage meters would be purchasable under what we're purporting? Some members may not like to have a lot of stamps lying around in their constituency offices.

MR. CLEGG: I think office supplies and equipment would cover that as a general administration item.

DR. REID: It doesn't need to be made an inclusive item.

MR. CHAIRMAN: Are we ready for the question? Having agreed that the motion expresses intents rather than texts, all those in favor? Opposed? Carried.

I wonder about page 6, item 5(1)(d). I guess there's no problem there specifying "the Legislature, in the Member's constituency office". We've

DR. REID: Mr. Chairman, on page 5, under 5(1)(b) the "chartered aircraft service", I hope that this wording makes it specific that it's intended for flying within the constituency, not to and from Edmonton. It says "the trip in each case shall be a point within . . ."

MR. CLEGG: To a point. We missed a word.

DR. REID: Shall be to a point, "whether the point of departure is within his electoral division or not" is the bit that concerns me. The concept that I certainly had was that that was to allow them to travel within the constituencies and not back and forth from Edmonton.

MR. CHAIRMAN: No, but suppose that in order to get to a place in the constituency, they'd have to change planes at a point outside the constituency.

DR. REID: The intent was for travel within the constituency where there wasn't either road or regular air service.

MR. CHAIRMAN: That's true.

DR. REID: This looks as if it could be used for travel to and from any point in the province to Fort MacKay. That certainly is not what we were talking about.

MR. CHAIRMAN: Then suppose a member is attending session here in Edmonton and instead of flying back to his home base, he wants to fly directly from Edmonton to Fort MacKay.

DR. REID: He drives to Fort Mac and charters a plane in Fort Mac. Or he flies to Fort Mac on PWA and charters the plane in Fort Mac.

MR. CHAIRMAN: But suppose there were a point where a plane could land . . . Oh, I see. He wouldn't be chartering a plane from Edmonton. That's right.

MR. ACORN: Wasn't the example that you had to go to Dawson Creek or something like that?

MR. CLEGG: That's a different issue. The question is whether he would charter it from Edmonton or from a point within his constituency.

MR. CHAIRMAN: Is there anything further you want dealt with there, Dr. Reid?

MR. HYLAND: In that case, it could be cheaper to charter from Edmonton to go somewhere, especially if you had two places to go, and either drop off in his constituency or back to Edmonton, depending on where he was going.

DR. REID: Mr. Chairman, the whole problem is that these three constituencies are the ones that do not have road access to every point. There are others amongst us -- the Member for Cypress, the Member for Chinook, myself -- who have large constituencies and no air service from Calgary or Edmonton within that constituency. The concept was certainly not to give these three constituencies the advantage of chartering air service from Edmonton to any point in the constituency, but rather that they put up with the inconveniences that the rest of us have to get to their constituency, and then within the constituency, because of the transportation troubles, they can fly.

MR. HYLAND: Agreed.

DR. REID: Subsequent to that, under (b)(iii): the destination must not be accessible by regularly scheduled air service on that date. There are some air services that run one, two, or three days a week. I would like to have that added.

MR. CHAIRMAN: I have a comment here under that. That brings to mind 5(1)(b)(iii). Suppose there's a regularly scheduled air service that flies once a month, and in mid-month the member has to go to a funeral.

DR. REID: Exactly. That's the point I'm making, Mr. Chairman.

MR. CHAIRMAN: You're saying "on that day".

DR. REID: The destination must not be accessible by regularly scheduled air service on that date. In other words, if he was to go on Friday, July 14, and the air service is Tuesdays and Thursdays, he can charter on Friday but he can't charter on Tuesday or Thursday.

MR. CHAIRMAN: Is it agreed? I take that as a motion by Dr. Reid.

MR. HYLAND: I think it's covered, except that the airplane may go in and go out 10 minutes later. That's regular air service, but you sure can't do your business in that time. And it may not come back . . .

MR. CHAIRMAN: But he'll go out the next day, and it won't be on that day, then.

MR. HYLAND: Yes, because the return might be two or three days later. You don't necessarily want to stay two or three days. For example, let's say Norm had to go to Fort Chip. Let's say Pacific Western runs Mondays, Wednesdays, and Fridays, whatever. Say he had to go Monday, his business was going to take the better part of the day, and he didn't want to wait till Wednesday to return.

DR. REID: Then he could charter one way.

MR. HYLAND: But it might be more expensive to fly in commercially and bring the charter deadhead in to pick you up to take you out than to have it fly you in, sit there, and fly you out.

MR. CHAIRMAN: But he has an overall limit, or has he?

SOME HON. MEMBERS: No.

MR. CHAIRMAN: This had better be pretty carefully worked out.

MR. HYLAND: No, he has to sign for it, or something, doesn't he? He has to sign for it. He has to make an application or sign it after the fact.

MISS BLANEY: It would be verified with the member before payment.

MR. HYLAND: I think that covers that portion.

MR. KOWALSKI: I would not see this item being abused at all, Mr. Chairman. It would probably be providing one, two, or three flights a year for these three

members, primarily because of the inaccessibility of some of the communities. I do not share at all the concern of the Member for Cypress about having to wait around two, three, four, or five days. I don't think that that would be the interpretation of it.

As an example, if Mr. Weiss were to fly to Fort Chip, I'm sure he'd go that day and return that day. I think it would be unfortunate if we were to put in an interpretation that, fine, he can fly out on Monday morning but wait around until Thursday for the regularly scheduled flight to come and pick him up. That would not be my intention.

MR. HYLAND: That's not my intent either. I'm asking if it can be taken that way. I don't think it should be. He should be able to fly in and out the same day.

MR. CLEGG: Mr. Chairman, I have a drafting suggestion, which I think would solve the problem. We could change subclause (iii) to read: the trip could not be carried out by regularly scheduled air service. That deals with the day, the scheduling, the time, and everything.

MR. CHAIRMAN: Excellent. Available that day. Would you accept that amendment to your motion, Dr. Reid?

DR. REID: Yes.

MR. CHAIRMAN: Are you ready for the question?

DR. REID: Just a moment on that, Mr. Chairman. I'm still thinking about (ii):

the trip in each case shall be a point within the Member's electoral division, whether the point of departure is within his electoral division or not . . .

I don't know if there are any geographic circumstances, but there may be a better availability of charter service. Let's look at the Member for Peace River, who might be able to fly into Dawson Creek, B.C., and charter from there to go to some place in northwestern Alberta, back to Dawson Creek, and then take regular service back to Edmonton. He might not be able to do that out of Peace River on that particular date. I don't think that applies to any location.

MR. HYLAND: But if we don't make allowance for it, it sure will.

DR. REID: It might apply to the Member for Lesser Slave Lake, to fly to Peace River and charter from Peace River into the northern part of his constituency.

MR. CLEGG: Or even to Fort MacMurray.

DR. REID: Yes, or even to Fort Mac.

MR. CLEGG: We could provide that the trip should be to a point within his electoral division, originating in or close to his electoral division.

MR. CHAIRMAN: Could we do this? We still have Dr. Reid's motion under subclause (iii), and we're now back on (ii). Could we ask Mr. Clegg and Mr. Acorn to sit down, put themselves and their imaginations into the various charter aircraft situations that might arise, and then devise a text which would prevent the more obvious abuses? Coupled with that, what we could do is

ask Miss Blaney to watch those expenses and, if they take a significant turn, simply send a memorandum to all members of the committee. We can still have this flexibility, especially during this current year.

DR. REID: I'll make my motion one of intent, rather than fact.

MR. CHAIRMAN: That was in regard to subclause (iii)?

DR. REID: And also with regard to the concern expressed about sub (ii), where we cannot charter from Edmonton to Fort Chip.

MR. CHAIRMAN: Should we take them one at a time? The motion you made first was regarding sub (iii), and Mr. Clegg suggested a refinement of it. If I'm not mistaken, you agreed to adopt that.

DR. REID: That's correct, Mr. Chairman. Let's take them as two separate motions, because they're two separate clauses.

MR. CHAIRMAN: Okay. On Dr. Reid's motion in the form resulting from his discussion with Mr. Clegg, all those in favor?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried. Now, we can go back to subclause (ii).

DR. REID: In subclause (ii), another motion of intent: that the trip in each case shall be to a point within the member's electoral division, whether or not the point of departure is within the electoral division but close to it, or something like that.

MR. CHAIRMAN: As close to it as practicable?

DR. REID: Yes, and again we'll leave the text to the gentlemen.

MR. CHAIRMAN: Are you content with that, Glen?

MR. ACORN: Yes.

MR. CHAIRMAN: All those in favor?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

MR. KOWALSKI: Mr. Chairman, as we were on that area under services and things provided to or for the use of members, and we've just concluded a discussion on 5(1)(a) and (b), I have interpretation with respect to some of the items listed in (c). I wonder if this would be the time to raise them.

MR. CHAIRMAN: Why not?

MR. KOWALSKI: I refer members to clause 5(1)(c) and then the previous interpretation that had gone out. I think it's listed in here. 11(B) has a number of items that it says the Clerk's office will honor: gasoline credit card charges covering only the cost of gasoline, oil, car washes, oil changes, grease jobs, et cetera. I hope the wording of (c) carries through the intent we had on page 11(B) of the previous document and that the labor charges for

such things as oil changes would be included in it, rather than just the cost of oil.

This may be a very, very minor point. I just wanted to make sure there was no misinterpretation there.

MR. CHAIRMAN: Is there a problem?

MR. CLEGG: I don't think so, because the word here is "lubrication", rather than "grease". Lubrication is the process of lubricating, so that would include the labor.

MR. CHAIRMAN: And you wouldn't have to change "antifreeze" to "antifreezing", would you?

MR. CLEGG: I don't think they charge to put the antifreeze in. If you're charged to put antifreeze in the radiator, you should go to somebody else.

MR. CHAIRMAN: We had quite a discussion at an earlier Members' Services Committee meeting. The way the thing used to stand, there was a question of whether you could put gas-line antifreeze in the gasoline tank and get paid for it. Somebody raised it, and that's partly . . .

MR. HYLAND: I was the one who raised it. I don't know who paid for it, but I sure as hell didn't.

MR. CHAIRMAN: You didn't have to 'fess up.

DR. REID: Mr. Chairman, I had one thrown back by Charlene's staff for \$2.10 worth of automatic transmission fluid.

MR. CHAIRMAN: Now, that's not covered.

MR. HYLAND: That's lubrication; that's oil.

MR. CLEGG: It's not. It's not lubrication; it's transmission power.

MISS BLANEY: That's defined by the Auditor General's office.

MR. CHAIRMAN: We had a discussion at that time as to whether tires would be included, and they said, no, they're in the mileage allowance.

DR. REID: I think that's one of the items we have to come back to over the course of the summer.

MR. CHAIRMAN: Surely, while we're at it, we could put in the transmission fluid and brake fluid.

MR. HYLAND: But that's the same as oil.

MR. CHAIRMAN: Not really.

MR. HYLAND: It comes out of a can.

MR. CHAIRMAN: I know it's oily, but . . .

MR. HYLAND: You can run it in your engine.

MR. CHAIRMAN: Why don't we simply put them in there and not worry about it, and then you won't have to worry about it? Is it agreed? Can we amend (c) by putting in steering and brake fluid?

DR. REID: There are three that are not included here: transmission, steering, and brake fluid.

MR. CHAIRMAN: Is that all right? Agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Okay.

Now, somebody had something else they wanted to raise. I think it was Mr. Kowalski.

MR. KOWALSKI: We've already resolved the item.

MR. CHAIRMAN: All right.

Now, I have one that I was going to raise. It's at the top of page 7 and relates to the cars for the Speaker, the Deputy Speaker, and the Leader of the Opposition. My concern is this: this car arrangement is working in a practical way now. Those cars are being handled in a way similar to those of ministers, and the structure and provisions are there. It's done within Treasury Board parameters.

It seems to me that if we're going to put express provision like that in this order, then we're going to have central vehicle wondering exactly what the difference is between the status of the car of, say, the Deputy Speaker, the Speaker, or the Leader of the Opposition and that of a minister. My suggestion would be that, through some felicitous phrase, the text might make the arrangements similar to those being done for ministers from time to time. That's a practical thing that's already set up, and we're interposing something here that just may not fit in.

MR. ACORN: Is there a concern over the express reference to the Treasury Board?

MR. CHAIRMAN: No. Well, "subject to the approval" means that we have to go and get their approval. I think we should do it subject to their parameters or a better word than that. They now lay it down. This stuff is now being arranged under them.

MR. ACORN: It may be that they have a directive on this, which I can track down.

MR. CHAIRMAN: And why don't we leave it so that if they amend the directive, it also applies here? We don't have to come back to the committee, and we don't have central vehicle worrying about whether they have two different categories of vehicle.

MR. HYLAND: Does that question create a problem? Frank is driving a 98. Most deputy ministers don't get into a 98 category; they get into an 88 category.

MR. CHAIRMAN: You'll get around that, too, if you follow the Treasury Board parameters; that's what provides Frank with what he now has.

So is it agreed, then, that we ask Mr. Acorn to look into this further and to try, as nearly as possible, to make the provision here parallel to what's already in existence?

MR. ACORN: I should point out that shortly I will be drafting a new order in council under section 50(3), I believe it is, which deals with the perks and whatnot for cabinet ministers. I'm hoping these will all mesh somehow. Then there will be other OCs for MLAs who are chairmen of boards.

MR. CHAIRMAN: Sure. Otherwise, the administration has absolutely unnecessary headaches. Okay, can we go on then . . .

DR. REID: Mr. Chairman, I have one more. You jumped over to page 7, but on page . . .

MR. CHAIRMAN: I didn't know there was anything in between.

DR. REID: On page 6, under (2)(b): "authorize the reimbursement of the Member for any expenses incurred by him under subsection (1)". I'm not sure that that reimbursement should apply, certainly to item (1)(h), and very doubtful about item (1)(g). Really, what we're doing there is opening the door; a member could hire another secretary and bring them into the Legislature. Under (g), "the mailing of the Member's correspondence, except for letters, pamphlets, brochures, and greetings", if we authorize the reimbursement of the member for any expense incurred there, and for any expense under (f), have we not just opened the door on the budget? I think it's items (1)(a), (b), (c), (d), and (e), but not (f), (g), and (h).

MR. CHAIRMAN: Mr. Acorn has noted that. Do you want a motion to that effect?

DR. REID: No, as long as it's noted.

MR. CHAIRMAN: Okay, there's one other thing. I'm certainly glad you brought this up, because I overlooked one of my notes. In each instance where there is provision for reimbursement, it would seem to me that the flexibility should be provided for direct payment, because reimbursement necessarily implies that the member pay for it first and get the money back afterwards. As I mentioned once or twice before in this committee, we'd had this problem with income tax. Wherever possible, we like to pay directly the person who provides the supplies or services rather than have the member pay and then be reimbursed. We've been caught with income tax on that sort of thing.

MISS BLANEY: Mr. Chairman, if I could just add one note to section (g). What has happened in the past is that if a member has had a mailing to go out, we have sometimes run out of time before we could get a cheque for postage raised from Treasury for the Receiver General. The member has been placed in the position where he has paid the postage, and we've reimbursed him because of the time factor.

MR. CHAIRMAN: That's why I suggest it should be flexible. Wherever reimbursement is provided for, it would seem to me that there should be an option provided that we may pay the supplier directly.

MR. CLEGG: Mr. Chairman, I believe that is covered by the first phrase in 5(1) on page 5: "shall be provided to or for the use of Members" implies that it can be provided and paid for by the administration.

MR. CHAIRMAN: But when you expressly say "reimbursement", you're implying prior payment.

MR. CLEGG: I think the drafting intended that the reimbursement is an exceptional situation, notwithstanding the provision in 5(1), that everything is provided for and paid. In circumstances where it's necessary, if a member has paid for it himself, he may be reimbursed for that. It was intended that (2)(b) be an exception to the general rule of direct payment.

MR. CHAIRMAN: Well, as long as it's abundantly clear, I'm content.

MR. CLEGG: The point Miss Blaney brought up is effectively a proposed amendment to Dr. Reid's suggestion, because Dr. Reid suggests we shouldn't reimburse items under (g). But postage is, in fact, the most common reimbursement factor. Historically, the most common need for reimbursement has been postage.

MR. CHAIRMAN: Yes, because they don't give credit. We don't get a chance to pay that; it has to be paid on the spot.

MR. CLEGG: And the member says, if you can't get me that cheque in three days, I can't hold the letter. So he puts down \$200 or \$300 for postage, and wants money back.

MISS BLANEY: We can't always get the cheques that quickly.

MR. CLEGG: We could limit it to reimbursing for subsection (1)(a), (b), (c), (d), (e), and postage.

MR. CHAIRMAN: Is that clearly understood?

DR. REID: Yes.

MR. CHAIRMAN: Is there anything further, then, before we go to page 8?

MR. ACORN: Mr. Chairman, if you want to do this in sequence, the committee hasn't addressed itself to section 2 on page 3. We've been skipping around a bit.

MR. CHAIRMAN: The credit cards?

MR. ACORN: No, the group plan.

MR. CHAIRMAN: There were no concerns raised under that, but I have one under the dental plan. Is the language sufficient to say that that's to be paid for? The permission is to participate, but is the payment provided?

MR. ACORN: There are no premiums under the base plan. It's a self-insurance plan operated by the government, and there are no premiums to be paid.

MR. CHAIRMAN: Who pays for it?

MR. ACORN: There are no premiums. Under the base plan, when you have dental work done your dental bills are paid. It's something like LTDI. There are no premiums there either.

MR. CHAIRMAN: Then we're affecting an appropriation and extending it to something further.

MR. ACORN: What this does, in effect, is authorize members to participate in the government's base dental plan.

MR. CHAIRMAN: Yes, but the government now presumably has an appropriation for that dental plan.

MR. ACORN: Yes.

MR. CHAIRMAN: May we, by means of an order of this committee, change the purpose of that appropriation? That's my question.

MR. CLEGG: I don't think we are doing that. This Bill was a money Bill, and it contains an authorization for this committee to fix expenses. This seems to come within the definition [inaudible].

MR. ACORN: I have no difficulty with that. Did you say that the MLAs are presently under the base plan?

MISS BLANEY: Yes, they are.

MR. ACORN: So as it stands, the plan contemplates that MLAs are included. This is just a formal authorization that members can participate in that plan.

MISS BLANEY: The Assembly budgets for that payment that the employer pays.

MR. ACORN: Is the Legislative Assembly vote paying?

MISS BLANEY: Two hundred forty dollars a year per staff person.

MR. PURDY: Is that the optional?

MISS BLANEY: No, that's the base.

MR. ACORN: Do you transfer that money to the government?

MISS BLANEY: We charge back, same as benefits for UIC, Canada Pension, and our share of health care.

MR. ACORN: So it's as though you were paying the premium. It's a flat figure per MLA.

MISS BLANEY: And all staff persons who are included in the plan.

DR. REID: We already have it budgeted.

MR. CLEGG: It's an internal charge-back. It's only money being moved within government.

MR. CHAIRMAN: Where does that put it?

MISS BLANEY: Members pay no premiums, though, for base coverage.

MR. ACORN: That would be included in your supply vote for general administration.

MISS BLANEY: Under members' indemnity, as is the Alberta health care premium that the employer pays.

MR. CHAIRMAN: So we don't have to say that we pay on behalf of members this or that.

MR. ACORN: No, it's just an authorization to participate in that plan.

MR. CHAIRMAN: Is there any further discussion of section 2 on page 3?

MR. ACORN: The Blue Cross business is brand new. The MLAs are not covered there; at least there's no contribution of 50 per cent. So that is a new item. The choice was whether it should be July 1, which is the start of the next plan, or retroactive to April 1. I think Charlene is saying there's no problem over that.

MR. CHAIRMAN: What's the effect of retroactivity? They can no longer get benefits during a time past, can they?

MR. ACORN: Yes, they could. They could submit their bills.

MISS BLANEY: Especially for prescription costs, if the member is willing to pay back to then.

MR. ACORN: Gilbert Heise of the Personnel Administration Office thought there would be some problems. You're saying there are no problems. The point is that any MLA who is now in the Blue Cross plan would have paid his own subscription to the end of June. The difference here is that the coverage members will get under the government's Group 5 contract are more generous than what an MLA could get under an individual contract.

DR. REID: Mr. Chairman, I suggest that if it can be arranged through Charlene, we should make this retroactive to the beginning of the fiscal year, as we have done with other financial items.

MR. ACORN: This draft contemplates retroactivity to April 1.

MR. CHAIRMAN: In total, doesn't it?

MR. ACORN: Yes.

MR. PURDY: A question to Charlene. Will there be a memo going out to members asking if they want to participate in Blue Cross?

MISS BLANEY: Yes, Mr. Purdy, a memo of clarification with application forms and information brochures.

MR. PURDY: I'm already being paid for it.

DR. REID: You're in a unique situation -- an unusual situation; let's put it that way.

MR. PURDY: I'm unusual, yes.

MISS BLANEY: As well, we'll have to arrange with all the departments for transfer of the ministers' payments onto the MLA plan. But we will do that as an administrative [inaudible].

MR. HYLAND: With Diane being a nurse, maybe I'm the same. To the time she was full-time, they were paying the full shot, and it's a 100 per cent plan.

DR. REID: Again, that's why it should not be a necessity. I think that for those who choose to join this one, it should be retroactive to April 1.

MR. CLEGG: But, Mr. Chairman, we have to avoid the possibility that anyone might be double crossed. [laughter]

AN HON. MEMBER: That's good.

MR. CLEGG: I've been learning from your comments.

MR. CHAIRMAN: Well, I can see that you need more lessons.

MR. HYLAND: You must admit he did get a bigger reaction than you, though.

MR. CHAIRMAN: Well, you're not used to him, you see. That's the trouble. No doubt the crosses will be blaze orange and blue.

Anyway, is there any more on page 3 that anyone wants to raise? Anything more on page 4?

DR. REID: Mr. Chairman, I don't want to make a motion about this, but on page 4, we have used in the formula at the top:

E is the number of electors in the most recent list of electors compiled for the Member's electoral division under Part 2 of the Election Act.

I'd like to give notice that some time over this summer I'm going to work at some other provision because, having had an election, we will not have an enumeration until September 1984, I think. For some constituencies, that's an almost impossible situation because of growth. I understand that we do get some approximate census figures at intervening times. I think it should probably be based on the population rather than the number of electors. In some constituencies, because of the very transient nature of the population, there's a much larger population than would be indicated by the electoral number.

MR. CHAIRMAN: But we're going to have to go to somebody's figures on population.

DR. REID: Yes, that's right. I'm not changing it now, Mr. Chairman, but I think we have to look at it. A few constituencies are really crucified in relation to the total population vis-a-vis the number of electors.

MR. CHAIRMAN: The only thing is that we're going to be changing concepts then, from voters to inhabitants.

DR. REID: But we also serve those who do not elect us.

MR. CHAIRMAN: Quite, quite. But we're changing concepts, and I just wonder whether those two sets of figures are going to be comparable.

MR. ACORN: Well, you'd have to change the denominator.

DR. REID: Yes, that's right.

MR. CHAIRMAN: Okay, having got that, can we go to page 5? Is there anything further there? Page 6, under the credit card provisions, sub (2)? Page 7, spouses.

MR. ACORN: On clause (a), Mr. Chairman, I had wondered whether or not this should be in here, because the Act already refers elsewhere to the expenses of a member attending a Commonwealth Parliamentary Association meeting.

MR. CHAIRMAN: In other words, that that doesn't disqualify.

MR. ACORN: Well, what this is doing is allowing for expenses in addition to those under, I think, section 43(1)(b). If I'd had my wits about me at the time -- I didn't always have them about me toward the latter stages of that Bill. But I'm going to recommend for the fall sitting that 43(1)(b), the expenses of an MLA attending a CPA meeting, should come under the order of the Members' Services Committee's; also, the part of 43(1)(c), where an MLA attends a meeting or an event "as a representative of the Assembly or the Speaker". I'm suggesting that those should also come under the aegis of the Members' Services Committee. As it stands, these kinds of expenses can be negated by an order in council. I think that will be among the tidying up for the fall. I've raised that because I intend to suggest that to the Attorney General.

MR. CHAIRMAN: Okay. Is there any other discussion with regard to the other allowables mentioned on page 7?

MR. CLEGG: Mr. Chairman, I'd like to mention that in 6(a) we inserted the words "or guest" after "spouse" in connection with the Commonwealth Parliamentary Association because, for official functions in the province, the present practice is that a member's spouse or guest may attend. I thought there should be consistency between the two. If marital status is not the necessary guideline with respect to official functions in the province, perhaps it shouldn't be for official functions outside the province either. But that is different. The words "or guest" in 6(a) are new. I'd like to draw the attention of the committee to that.

MR. CHAIRMAN: I have another concern under 6(a). I wonder whether we need to broaden the reference to activities of the Commonwealth Parliamentary Association. For example, each year there is a parliamentary seminar, which is held alternately in Ottawa or in the capital of one of the provinces. This year it will be held in Regina; last year it was in Ottawa. We are asked to send three members to that seminar. It's a meeting under the aegis of the Commonwealth Parliamentary Association. In addition to that, we occasionally have interbranch visits. For example, we have had visits from delegations under CPA auspices from all the provinces so far, except the Atlantic provinces, and we've had them from the two Territories. In addition, we have sent members under CPA auspices to Regina, Whitehorse, and Yellowknife during the past 10 years. It seems to me this wording is somewhat restrictive and might not cover those interbranch activities.

MR. ACORN: It is indeed and the words here are culled directly from 43(1)(b) of the Act, which doesn't contemplate these. . .

MR. CHAIRMAN: I guess we've been giving it a broader interpretation, and the Auditor General has been letting it go. We also incur Commonwealth Parliamentary Association expenses when we pay the dues once a year and when

we have visitors who are travelling under the auspices. This year we had some from Australia and New Zealand.

MR. ACORN: Would those expenses be incurred by individual members? They take them out to lunch or something like that?

MR. CHAIRMAN: No.

MR. ACORN: This is a charge on the general administration.

MR. CHAIRMAN: We also had a situation where we were invited to send representatives to conferences. We sent one member to Grand Caymen, one to Sri Lanka, and one to London, England. In addition to that, each year one member goes to the plenary conference. This year we'll be sending a member to the plenary conference in Kenya.

MR. ACORN: Let me suggest that that might come within the general intent of 43(1)(c), which speaks of a member "attending any meeting or event as a representative of the Assembly" or the Speaker. For example on the seminars, one could . . .

MR. CHAIRMAN: Do we have to deal with it here?

MR. CLEGG: We could have the words: "a meeting under the auspices of the Commonwealth Parliamentary Association or one or more of its branches", which would cover the seminars.

MR. ACORN: Yes, I agree. We might also refer here to the expenses of the spouse or guest when the MLA is at a meeting or event representing the Assembly or the Speaker.

MR. CHAIRMAN: There are three layers of organization in the Commonwealth Parliamentary Association. There is the whole association; then there are regions, of which Canada is one and Australia and some other places are others, and so on; in addition to that there are branches.

MR. ACORN: I'm not sure I follow. This refers to one or more branches of the CPA.

MR. CHAIRMAN: Right, but there are regions. For example, we'll be sending members to a regional conference in Manitoba in August. I bring that up because of your use of the word "branches".

MR. CLEGG: We should be calling it "divisions" perhaps.

MR. CHAIRMAN: Divisions is unspecific as far as that association is concerned.

MR. ACORN: I think you'd have to rationalize that on the basis that the MLA is representing the Assembly.

MR. CHAIRMAN: He's not really. He's representing our branch.

DR. REID: Mr. Chairman, surely a region is made up of more than one branch, and it's covered that way.

MR. CHAIRMAN: That's right, but there are things that are under the auspices of a region and not under any specific branch. All I'm saying is that if

you're going to use that word "branches", which is a clear, specific term in relation to that association, then you should be including regions.

MR. CLEGG: A more general word.

MR. CHAIRMAN: Is there anything further on page 7? We hassled a bit over spousal travel. I think our intent was pretty well reflected here in the text.

MR. ACORN: If we're on page 8, Mr. Chairman, I added that entirely on my own. That was because we were discussing this in the cabinet/caucus task force, and I thought I should at least raise the issue in this draft; that is, the allowances that are provided for in section 42, the \$100 per day and then the extra \$75 a day. The \$75 allowance is now complying to situations where accommodation is required, not necessarily overnight accommodation but accommodation nevertheless. But now we're thinking of the other situation where the MLA comes in by car in the morning and goes back to his home in the evening without having to take hotel accommodation. It's a case of you either scrap this and let the member absorb that as part of his general expense allowance or you provide for the payment of meals on receipts or, if you prefer, a flat meal allowance or a per meal allowance like the civil service, who get so much for breakfast, so much for lunch, so much for dinner.

MR. CHAIRMAN: And so much per day for gratuities.

DR. REID: Mr. Chairman, I have a comment on this, having chaired the heritage trust fund committee. To cover this particular item, I think I accepted, if my memory is right, \$25 a day, Charlene? I didn't want to see the receipts for the meals, the gratuities, and all the rest of that nonsense. It just became a paper nightmare. The first two meetings I was getting flooded with chits for cups of coffee and everything. I think I just accepted \$25 a day for meals, whether or not they had rented accommodation. It seemed the easiest way to deal with that. I was a little outside my bailiwick by so doing.

MR. BLAIN: Until the amendment, actual and reasonable expenses for meals for committees have been accepted. As you know, all the claims that are signed by the chairman are subsequently audited by myself before they go for payment. For a long time, and I don't know where this originated, \$18 a day was a figure that was used. There was no authority for it. When meals started to go up, I suggested to all the chairmen that we accept reasonable expenses. Reasonable expenses vary; \$25 is certainly a reasonable figure, depending on where the meals were taken. There was no flat, established figure. It was actual and reasonable expenses for meals. I suggested that's a good route to take, because establishing a flat rate depends on where the member takes his meals. To say \$25 might put him out of pocket or it might put him in pocket. I just repeat that. I suggest reasonable expenses for meals and receipts not required.

DR. REID: The receipts are a problem.

MR. BLAIN: They're not required for meals anyway.

MR. CHAIRMAN: Is there any further comment on that? Any further difficulties? Could I raise a question? I've just cursorily skimmed the text. I'd like to ask Mr. Acorn's view. I take it that this text in (c) on page 8 is sufficient

sitting. In other words, if a member comes to Edmonton on a Tuesday for a meeting on Wednesday and he goes home on Thursday, it's covered?

MR. ACORN: That's what subclause (2) is intended to cover. It's referable to the \$75 the day of travel to or from.

MR. CHAIRMAN: We needn't be concerned with a fraction of a day, I suppose.

DR. REID: There is the point, Mr. Chairman, that some people live at distances such that it's conceivable that for a one-day meeting, they may have two \$75 dollar allowances plus a meal allowance.

MR. CLEGG: There is a provision in the Act which says they can't have those two \$75 allowances.

DR. REID: They might have a \$75 allowance to get to Edmonton and overnight, \$75 for the day of the meeting and overnight because of transportation, and then have a meal allowance on the subsequent day.

MR. CLEGG: Yes, I understand.

MR. CHAIRMAN: Is that all right for page 8? We have another item. I'm sorry this has gone on so long.

MR. ACORN: I have some misgivings about this section on Crown property.

MR. CHAIRMAN: It serves as a reminder. We can't really legislate as to what the Crown owns and doesn't own, but it's a good reminder. We could perhaps be a little more squeamish about it by saying: it is acknowledged that. Is that all right?

Could you just briefly go to item 14 on your agenda and also item 14 in the supporting material? Maybe Mr. Acorn could explain the rationale. He has put a comment on the bottom. It's order No. 2. Have you a copy of order No. 2 with the footnote?

MR. ACORN: Is this the kilometre allowance?

MR. CHAIRMAN: No, not yet.

MR. CLEGG: Mr. Acorn hasn't been involved in this.

MR. CHAIRMAN: Oh, I see. Did you develop this one? Then maybe you'd like to enlarge on your footnote.

MR. CLEGG: Prior to the passage of Bill 67, there was a provision in the Public Service Act which says, nothing in this Act impairs the right of the Assembly to hire and fire certain staff. Over the last seven or eight years, that has been used as a justification for various things, including the power of the Assembly to employ people on contract without the express approval of the Public Service Commissioner. The public service regulations, issued pursuant to section 29 of the Public Service Act, say that any department may hire staff and that the Public Service Commissioner must approve each individual contract. He must even approve the commencement and negotiations. The passage of Bill 67 repealed that section of the Public Service Act and essentially replaced it with a power that this committee now has to provide that any regulation passed by the Public Service Act does not apply to the

Assembly staff. So we now have the initiative to make a provision to continue where we were before.

We can continue to contract with employees on special employment contracts -- this doesn't relate to ordinary long-term employees but the contract employee -- without getting the consent of the Public Service Commissioner. Therefore, this order by the committee would provide that certain sections of the regulations governing contracts of employment, which I have here, would not apply to the Assembly. First of all, section 3(1) says: no negotiation may be commenced between a person and a department head without the approval of the existing commissioner, or even to extend an existing contract. Section 3(2) says that no contract can be executed unless the commissioner has approved it. Section 3(4) says that there may be no contracts in excess of two years, unless it's been approved by the Public Service Commissioner.

DR. REID: So this was essentially just to make sure that we can continue to control our own staff.

MR. CLEGG: This will be the first case of this committee exercising its new statutory power, recognized to provide certain regulations do not apply to the Assembly. Page 1 is just the cover.

MR. HYLAND: I move that.

MR. CHAIRMAN: Is there any further discussion?

DR. REID: Let's just make sure we don't pull a boob the first time we do this.

MR. CLEGG: I didn't try to make this retroactive. We haven't actually signed any contracts since this was put into force. The only ones which have been signed were predated as of April 1.

DR. REID: This would still allow us to use those people as advisers, as we have done already. Say we have a situation where the three caucuses have their research staffs; that doesn't preclude those caucuses from making those arrangements.

MR. CHAIRMAN: I don't think so.

DR. REID: It doesn't look to me as if it would.

MR. CLEGG: No, it doesn't prevent them from making arrangements. But on the other hand, I have felt -- and I believe Mr. Blain agrees -- that it is better for these contracts always to be signed by the Clerk or the Speaker and not by the individual member or caucus head. We have encouraged Mr. Notley, Mr. Ray Speaker, and Mr. Appleby not to sign individual employment contracts with staff but to approve and negotiate them and have them executed by the Clerk.

MR. CHAIRMAN: Technically, and perhaps legally and practically, they are staff of the Legislative Assembly.

MR. BLAIN: Also the contract is the authority for the expenditure of funds.

MR. CHAIRMAN: Yes, it could undermine the authority to spend funds.

MR. CLEGG: The caucus heads do not have that authority. So these would indeed come within this, because they would be contracts with employees, signed by the Clerk or the Speaker.

MR. HYLAND: What happens if you want to cease somebody's services to you?

MR. CHAIRMAN: You mean dismiss them?

MR. HYLAND: Dismiss them, can them, whatever you want to call it.

MR. CHAIRMAN: You mean supposing somebody in your caucus, for example?

MR. HYLAND: Or a researcher, for example.

MR. CHAIRMAN: That's what I mean: a research person in your caucus. I think what would happen is you'd say to the Clerk: look, we want to get rid of this person; will you sign a notice. That's it.

MR. BLAIN: You have to be sure you were acting in accordance with the contract.

MR. CHAIRMAN: I don't know whether you have to legislate against it, but we have never purported to interfere in any way with either engaging or dismissing staff working in any of the caucuses or in Independent members' offices.

MR. HYLAND: Are those contracts all basically the same contract?

MISS BLANEY: Mr. Chairman, we do have a standard agreement, but it's not used by all caucuses at the present time.

MR. CLEGG: We try to encourage them to use it.

MR. HYLAND: It would make it easier.

MR. CHAIRMAN: It makes administration a little easier, and it also makes it easier if you get into a tight spot with a staff person like that. You've got it spelled out then.

DR. REID: As long as it isn't exclusive, that's all. I think I can see the chairman smiling benignly at me. I think we should allow for the situation where the caucuses may wish to have some direct control. I don't see us ever having a difference of opinion. It's just the mechanism. As long as it doesn't completely exclude that.

MR. CHAIRMAN: It would just be out of the question, for example, for the Clerk to say, I don't want you to fire that person; you've got to put up with him.

DR. REID: Or I don't want you to hire that person; I don't want you to have this provision within your arrangement.

MR. CHAIRMAN: It's just unthinkable.

MR. BLAIN: All the actions the Clerk takes, he takes on recommendations.

MR. CHAIRMAN: Oh sure; in effect he's simply the agent. You don't know of any exceptions to that, do you, Mrs. Pratt?

MRS. PRATT: No, not in connection with employment.

DR. REID: I just want to check with Mr. Clegg that it's not exclusive. It's rather like the circumstance I think we were talking about after the last meeting, the situation with Mr. Appleby in our caucus. This is the same kind of thing. I like to have that flexibility. We've used that word several times today.

MR. HYLAND: Can we say something to the effect: upon the recommendation? Or is it needed?

MR. CHAIRMAN: That's going to make it more formalized. That's going to mean that you're going to have a caucus meeting and pass a resolution, whereas right now you've got your own administrator and it works beautifully in an informal way.

MR. CLEGG: I wouldn't wish to mislead Dr. Reid. The effect of this is that only the contracts signed by the Clerk and the Speaker would be freed from PAO approval. In a backhanded way, this does in fact prevent, to be specific, Mr. Appleby from signing employment contracts. The only ones which are covered by this order are the ones signed by the Clerk and the Speaker, and I do feel very strongly that there are very good, very strong administrative and audit reasons for having the contracts signed by the department head or his deputy. There was no indication that they would take over the management role, the decision, but they would execute the contracts.

Incidentally, that does give me an opportunity to see them, to point out to the caucus concerned any legal snags I see in the wording of the contract; not in any way to influence the decision and with no intention of taking away the power of decision from the caucuses, but I believe the actual execution should be done by the administrator.

DR. REID: Mr. Chairman, I've expressed a concern. As long as it's in the *Hansard* record, if we have problems we'll be back with another of these.

MR. CHAIRMAN: Does someone wish to move what's now called order No. 2?

MR. HYLAND: I did.

MR. CHAIRMAN: That's right. All in favor? Contrary? Agreed.

Now there's item 15. That's the kilometre. Isn't it awful that we've lost a nice word like mileage. Now we have to say 'kilometreage' or something.

DR. REID: My automobile is still in miles.

MR. CLEGG: Mr. Chairman, I prepared this one. I'd just like to mention that before Bill 67 was passed, the rate contained in the Legislative Assembly Act was 13 cents a kilometre. Members should bear in mind that the gas is paid for by another route and therefore the figure we're looking for is an appropriate figure to cover the non-fuel costs of running a vehicle. There's no equivalent in the public service because in the public service nobody pays for your fuel. You have a total expense figure which -- Miss Blaney can refresh my memory -- has just been increased.

MISS BLANEY: Twenty-three cents.

MR. CLEGG: It's now 23 cents a kilometre. That includes the employee's cost of fuel. Therefore this committee would have to suggest an appropriate adjustment upward from 13 cents, which would reflect the non-fuel costs of running a vehicle.

MR. CHAIRMAN: Unless we can give a per kilometre figure to those other benefits that we dealt earlier, I think we're going to have to be a little arbitrary.

MR. BLAIN: I think you will. You'll have to arrive at an arbitrary figure.

MR. CHAIRMAN: What does somebody estimate those other allowances would be worth per mile of operation of a motor vehicle, generally speaking?

MR. PURDY: Gasoline is about six cents a kilometre.

MR. CHAIRMAN: Is that what it comes to?

MR. PURDY: For me, anyway.

MR. CLEGG: Other items charged would be another two cents, so maybe have eight cents a kilometre. Six is maybe the total.

MR. CHAIRMAN: What about the use of the car? There were some pretty emphatic statements made by Shirley Cripps and one other member, I think, who just run through cars in no time over terrible back roads and have to replace the cars.

MR. CLEGG: I think this allowance is supposed to cover maintenance and depreciation. Some members will have a higher depreciation rate than others because they have bad roads.

MR. CHAIRMAN: That's why we try to get beyond the six cents a kilometre that Mr. Purdy had.

MR. CLEGG: Well, the six was the six we back off from the 23, which would give us 17 here.

MR. CHAIRMAN: No, he said gasoline was worth six.

MR. PURDY: Other incidentals are picked up anyway.

MR. CHAIRMAN: What about oil and all these other little . . .

MR. PURDY: Maybe a penny, not even that.

MR. CLEGG: Tire costs alone are usually estimated between one and two cents a kilometre.

MR. HYLAND: Try to buy a new set of tires now.

MR. CLEGG: Three hundred bucks.

MR. HYLAND: Three hundred will get you one. If you're looking at 15-inch radials, you're looking at 250 apiece for good ones.

MR. PURDY: They're good for 100,000 kilometres too.

MR. HYLAND: They're good for a long time.

DR. REID: I've got some on the car that are beginning to look a bit thin, and it's 68,000 miles now.

Mr. Chairman, is this in addition to the use of the credit card for purchasing gasoline for trips?

MR. CHAIRMAN: Miss Blaney and Mr. Blain are vigorously nodding in agreement with what you've said.

DR. REID: In the past, I never charged. I always paid my gasoline and entered the kilometres or mileage for those trips. I wish I had known.

MISS BLANEY: That's why it was so low for so long.

DR. REID: That's why I always screamed about it, I guess. I suppose we just have to take a figure which is suitable for the average car that members are driving. Some are driving Volkswagen Rabbit diesels, and some are driving big -- what's Harry Alger driving? A Lincoln something?

MR. HYLAND: That's not much bigger than yours.

MR. CHAIRMAN: You say 23 cents is the going rate in the public service?

DR. REID: What are the gasoline costs?

MR. PURDY: About six cents for me.

MR. CLEGG: Some cars, only three cents.

MR. PURDY: If I drive my truck, then I go to 12 cents.

DR. REID: That's the problem. How do we set a figure here?

MR. PURDY: I move that we set it at 18 cents.

MR. CHAIRMAN: Moved by Mr. Purdy, at 18 cents. Those in favor? Opposed? Sold.

MR. KOWALSKI: That's now in effect.

MR. CLEGG: This one will not be made retroactive. I don't think there's any power in this Act to make it retroactive. This is section 42 and section 45.

MR. PURDY: It takes effect today, then.

MR. CHAIRMAN: Is there any other business?

MR. ACORN: Mr. Chairman, on the redrafting, I assume that I'll proceed to another draft in co-operation with Michael Clegg and perhaps yourself as well; then, when we could get a draft, that we settle on it before you send it to the members of the committee.

MR. CHAIRMAN: Would this work? Could we send out the draft and then if we have difficulty arranging a meeting, have a telephone conference? Is that all right?

DR. REID: I think so, Mr. Chairman, because we're getting into that time of year when it's going to be difficult to meet. The other thing is, in view of your remarks at the beginning when we were discussing the opposition members or non-members of this committee, we do not know right now what our quorum is.

MR. CHAIRMAN: Well we have either 10 or eight members. In either case, the quorum could be three or four. We're not likely to go below four. I haven't got the legal implications of a telephone conference, but it seems to me that what we must do first of all, to be practical and fair, is discuss with the members the proposed time. Then we must send a notice to each member. Then if we have a quorum on the telephones, we're in business. Would that be agreed with your understanding?

DR. REID: Mr. Chairman, we did make specific provision in the new Act for conference telephone calls.

MR. CHAIRMAN: But we didn't specifically relate it to quorums and so on. I think quorum would be those people present at their telephones at the times specified in the notice. We wouldn't send the notice out until after we had telephoned the members to check times and then try to accommodate as many as possible.

MR. CLEGG: You could just specify a time as you can specify a time for a physical meeting. You don't have to get their consent to a particular time.

MR. CHAIRMAN: It seems that's a practical way to give effect to that newly approved device.

DR. REID: That would allow us to do in the evening or any other time.

MR. CLEGG: You can also have a mixed physical and telephone conference.

MR. CHAIRMAN: Yes; for example, for any members who wanted to come to my little round table in there, we have a conference attachment on the telephone.

DR. REID: Nothing to do with the knights though.

MR. CHAIRMAN: No, or King Arthur.

MR. ACORN: I'm just surmising here that technically your notice of the meeting might have to refer to a specific place, but then indicating that members may participate by way of the telephone.

MR. CHAIRMAN: The place would designate, I suppose, where the chairman and secretary would sit.

MR. ACORN: Anyone would be entitled to come to that place.

MR. CHAIRMAN: Okay. So is it agreed that when Mr. Acorn has produced another draft, we'll send it out to the members, and within a decent interval after that, we'll get in touch with the members to arrange a date for a meeting?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Is there any other business? Maybe this is superfluous, but I'd like to say on behalf of the members of the Assembly, I think this committee has really lived up to its name today.

MR. KOWALSKI: Mr. Chairman, before you close, you've given us some indication of what might be the anticipated time frame, but would you see additional ones over the summer?

MR. CHAIRMAN: More drafts or more meetings?

MR. KOWALSKI: I think we just need one more meeting with the draft and we're finished. We've made progress on that. But for matters other than that -- you indicated something about estimates for next year. You're going to be working on those.

MR. CHAIRMAN: We start in July, but not with the approvals. We start working up the figures in July. In the past when we knew members might have difficulty taking time off to attend a meeting, especially during the summer, we sent out a list of items pending decision and asked the members whether they thought those warranted having a meeting, before calling one.

MR. KOWALSKI: I guess that was my latter point, that if you would identify what would be on the pending agenda . . .

MR. CHAIRMAN: We'd say, do you wish to have a meeting concerning these items, and then try to arrive at a consensus.

DR. REID: Mr. Chairman, before we close, as a new member of this committee, I would like -- and we've already made complimentary remarks through the Member for Barrhead about the booklet that is put out each time -- to thank Messrs. Blain, Clegg, and Acorn for the assistance they have given the members of the committee in this specific meeting and the work they've put into it.

MR. CHAIRMAN: Agreed. I think that should go in the minutes.

DR. REID: And Charlene as well. Sorry, Charlene; my apologies.

MR. CHAIRMAN: And we have a *Hansard* representative behind us. Dr. Reid has no rearview mirror. I'm sure that's unanimous.

We have your claim forms here. So the 13 cents, as you know, has been changed. It's still on the forms, but . . .

MR. HYLAND: One way.

MR. CLEGG: No, no, an order once made is effective at the beginning of day it was made.

MR. CHAIRMAN: Is there a motion for adjournment? Mr. Hyland. Agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: The meeting is adjourned. Thank you very much.

The committee adjourned at 12:51 p.m.