

11:20 a.m.

Tuesday, October 30, 1990

[Chairman: Dr. Carter]

MR. CHAIRMAN: Ladies and gentlemen, I apologize for delaying the meeting. We were having a consultation to try to resolve some of the issues so that we can hopefully save some of the time of the committee as well. I've made arrangements for the Solicitor General to attend the meeting in the next few minutes, so I'll give an outline of what remains on our agenda and then we'll come back to that item.

Now, correct me if I'm wrong – and I'm sure none of you would mind doing that. Let's just double-check in case something has fallen through the proverbial cracks. If you go back to the agenda, we will deal with these various issues but not necessarily in this order. We have 4(a), the WATS line constituency matter, to be dealt with by the Minister of Public Works, Supply and Services; 4(b), Cost of Phone Calls. The Clerk is going to give us an update at the next meeting, so that's a holdover till the next meeting. The issue of access cards to the Legislature Building and the Annex and the parking areas: we'll deal with that one as being our first item. We have 4(e), the matter of communication allowance; we have two MLAs who will be wishing to speak to the committee briefly, the other proposal. Then we also have the matter for follow-up dealing with communication to all the constituents in the constituency of Edmonton-Strathcona. Then 4(f), Greening the Hill, where we have suggestions from various members and also the report on suggestions coming back from the Minister of Public Works, Supply and Services. Another item I'll speak to in a moment. Under New Business we have the item of child care as raised by Edmonton-Highlands. Then the Clerk has a quick report to give with regard to distribution of VCR tapes.

Under Other Business we have a continuation with respect to 6(a), Impact of Federal Tax Legislation. That will be dealing with the GST. Then we have the other items with regard to the '91-92 budget estimates for the Members' Services Committee, and the item of sign language, what we're going to institute in the fall. That should be a very brief issue.

In addition, the last item that we will pick up: as mentioned yesterday, as directed by the Chair, we will go back to the matter of constituency office signage; Date of Next Meeting. We have those there.

Any other additions or deletions? Anyone want to live dangerously and delete the whole agenda?

MS BARRETT: So moved.

MR. CHAIRMAN: Oh, good. Second. Those in favour of that motion?

MR. BOGLE: No.

MR. CHAIRMAN: Fails. Those opposed?

DR. ELLIOTT: What did we move?

MS BARRETT: I moved we delete the whole thing.

Mr. Chairman, if I might, just to let people know what I'm handing out, I did draft up a motion with respect to Edmonton-Strathcona. It's a general motion, actually, but if people on the committee would take one and pass them along.

MR. BOGLE: That's interesting. We had a motion as well. I don't have it written out.

MS BARRETT: I told you yesterday I would do one, and I have.

MR. CHAIRMAN: Perhaps the other motion could be drafted and my office could type it up, or somebody's office could type it up.

All right. Now we'll just wait for a moment to see if Mr. Day finds . . . While we're waiting, David, do you want to distribute that information?

DR. McNEIL: Yes.

MR. CHAIRMAN: This is the VCR tape thing. We might as well have some of this.

David, if you want to give a quick overview.

DR. McNEIL: This just summarizes the distribution of the public education materials that we've been offering in the past year or so and that have been distributed, with respect to the fact sheets, and the three videos that have been produced. For your information the fact sheet program was a program that didn't require any additional budget funds. We just used the funds that had been allocated for the seating plan and for the same money produced the new seating plan as well as the fact sheets. Additional fact sheets for members are paid for out of their member's allowance. It gives you some idea of the kind of distribution that this material is getting. It appears to be increasingly popular with members as well as with the general public.

MR. CHAIRMAN: Okey doke. Thank you.

In the nature of a reporting, members, in the last few weeks all members of a caucus who have not sent the letter through to the Sergeant-at-Arms or to the Speaker's office about days absent during the spring sitting, hopefully you would encourage your caucus members to get the reply into us. Because, indeed, the attendance records are public documents, and once we've had a chance with our system, which is about to be computerized, to make sure there are no outstanding members' absences without notice, then we'll just make that attendance record public. That will happen as of November 15.

MR. McINNIS: Just on that point, I've generally operated through our caucus Whip in terms of absences, but the memo seemed to indicate there was a request that those absences be reported directly by the member to the Speaker rather than through the Whip's office. Did I take that correctly?

MR. CHAIRMAN: Well, as long as the Whip from each caucus passes it on to us, that's good, but we seem to have . . . The Sergeant-at-Arms and my secretary have checked back with individual members, because the Speaker's office deals on an individual-member basis rather than through the Whips. So if the Whips would like to encourage it, and if the Whips will have their secretaries immediately send the reason for the absence on to us, that's good. But, you know, we have some of these gaps without notice from each of the three caucuses, and I'm pleased to supply you with a list at the end of the meeting, okay?

There's a draft motion. Some wording is being looked at for

the draft with the Solicitor General and the Minister of Public Works, Supply and Services. So they'll come back here when we've found a potential motion that might be of some use to the committee to discuss. So it'll be a few more minutes.

Yes, Edmonton-Highlands.

11:30

MS BARRETT: That's why I've had my hand up. If we're waiting, maybe we could deal with one or two other items. I propose that we now deal with item 5, New Business, child care. It'll probably only take a couple of minutes. It's probably pretty easy. It's just a question of clarification. Is that all right?

MR. CHAIRMAN: Agreed, committee? Thank you.  
Okay, 5, please.

MS BARRETT: Okay. The question is this: when you have an MLA town hall meeting, you're authorized to spend money on coffee and doughnuts from your constituency budget. Would it be the understanding of this committee that you're also authorized to spend money providing child care for the parents who come along to that meeting? In other words, if you organize a child care service in a separate room or location, is that an understood, acceptable expenditure? I can't see why it isn't, but I think the question arose in a different context, and I'd like to get clarification. I've been through the Members' Services orders, and it seems to me that it's certainly not written out.

MR. CHAIRMAN: Well, legal counsel could put their mind to that one too.

Edmonton-Jasper Place, and then the Clerk.

MR. McINNIS: I don't know if this is helpful or not, but the order allows for rental of office space, furnishings, which I presume might include a town hall meeting, and it allows for reimbursement of minor expenses "necessary for and incidental to the purpose of an agreement under subsection (2)." Well, that's essentially the agreement to rent space, so it may be considered that providing child care is necessary or incidental to the conduct of, say, a town hall meeting with your constituents. If it did fall somewhere, I would guess that's where it would be. That's 2(4).

MR. CHAIRMAN: The Clerk, and then Calgary-Foothills.

DR. McNEIL: I believe 2(4) relates to the rental of the constituency office and staff, and it would be under the communications and promotions allowance that expenditures for town hall meetings and so on would be explained. My suggestion would be to develop a legal opinion for the committee for the next meeting in terms of looking at the order more carefully and coming back to the committee.

MR. CHAIRMAN: Calgary-Foothills.

MRS. BLACK: Thank you, Mr. Chairman. I guess I'd like a legal opinion on the legal liability of caring for children at a public meeting if, in fact, the Legislature vis-à-vis the communication allowance is responsible for any injury that may occur to a child. If in fact you don't have qualified child care workers on the premises, could you be leaving yourself subject for some liability in the fact? I'd like legal counsel on that before I make a decision.

MS BARRETT: I would just throw in one other thing then. When looking at that, you might also consider - the normal arrangement is that you contract it to organizations like the YWCA, just to keep that in mind in terms of the specific considerations.

MRS. BLACK: Well, under normal circumstances you may do that, but I think it'd have to be crystal clear within any kind of opinion that has come back as to what is the legal liability of the Legislature for tending children in an un-child-care facility.

MR. CHAIRMAN: For clarification of the records so that legal counsel and the Clerk have a chance to look at it before the next meeting, we're dealing with child care while at a constituency office?

MS BARRETT: No. No. Town hall meeting.

MR. CHAIRMAN: Town hall meeting?

MS BARRETT: Yeah.

MR. CHAIRMAN: We also need to be absolutely sure that the communication allowance covers the cost of renting a hall for town hall meetings, or are we just making an assumption that that's already okay?

MS BARRETT: I use that out of operating. I don't think that makes a difference. I think the issue is: does your general allowance prohibit you from providing child care services to the children of parents who wish to attend the town hall meeting? That's the question.

MR. CHAIRMAN: That's the issue.

MS BARRETT: Yeah.

MRS. BLACK: Maybe there needs to be a clarification as to where town hall meetings can be held and if the allowance can in fact cover that.

MR. CHAIRMAN: So it's child care: the cost, liability. All right.  
Grande Prairie.

DR. ELLIOTT: I'd like clarification on renting space for a town hall meeting. I wasn't aware that was in there. I think this suggests other questions that might be asked; for example, people who have a problem getting to a town hall meeting with transportation, whether it's taxi or special vans or something like that.

MR. S. DAY: What about seniors' care?

DR. ELLIOTT: The seniors? I don't know. Is that part of it too?

MS BARRETT: Well, you've always been able to rent space if you want to. You've always been able to spend the money to rent space.

DR. ELLIOTT: For a meeting?

MS BARRETT: Yup.

DR. ELLIOTT: Okay, good.

MS BARRETT: That's never been a question, and I think the only question that has arisen is child care. That's the only one.

DR. ELLIOTT: Okay.

MR. CHAIRMAN: Okay. So now may we have a motion that we refer the matter to the next meeting?

MS BARRETT: So moved.

MR. S. DAY: A question, Mr. Chairman. Is the legal opinion also on what Dr. Elliott raised – transportation, seniors' care? May as well look at it all.

MRS. MIROSH: We don't have enough money in our budget for all of that.

MR. S. DAY: Well, one issue will lead to another. Do I understand that we will also be getting legal advisement on funds for people who need transportation?

MR. CHAIRMAN: Well, it's been raised, so we'll just defer all those issues.

MS BARRETT: Sure, if you want it.

MR. CHAIRMAN: All right. Thank you. Taking a motion to refer the matter to the Clerk and legal counsel for reporting back to the next regular meeting. Those in favour? Opposed? Carried. Thank you.

Can we take a five-minute break here so I can get brought up to speed as to a note that's just been delivered to me?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you.

[The committee adjourned from 11:36 a.m. to 11:53 a.m.]

MR. CHAIRMAN: Okay then. If we might come to order.

MR. LACOMBE: Just one member out there, Mr. Chairman.

MR. CHAIRMAN: Okay. Well, if you'd like to close the doors, please. Thank you.

We're pleased that the Solicitor General is with us. Earlier this morning the Minister of Public Works, Supply and Services together with the Solicitor General and myself were able to have a brief meeting to discuss the matter of the access cards.

Mr. Fowler, would you like to share with us your thoughts or any comments at this time?

MR. FOWLER: Thank you, Mr. Chairman. For some months now we have been reviewing the whole of the security in and around this building as well as government buildings away from these particular grounds. We have looked at devising a method of access to the building, ingress and egress, which will do two things, as a matter of fact. It will secure the building for purposes of allowing ingress, egress for those people that have business in the building. There is no intention at all to disallow

any of the public from attending the building during the period that the building is open to the public, and there's nothing in here to indicate that, so there should be no fear by any of the members of this Members' Services Committee that that is the intention, either hidden or otherwise. It just doesn't exist. It's to give access to the building when the building is, in fact, locked.

What it also does is permit all of the people with an access card – which is not mandatory; that is a voluntary thing. If any members or their staff don't want an access card, then they have the same access to the building that they've always had, and that's through the front door, which will always be attended. There will be no change in that particular area at all. However, with an access card you will, in fact, be able to access the building from any of the doors on the west or on the east, so there is indeed easier access there for the people.

I apologize for yesterday's discussions, the way they went or didn't go, whatever you wish. There has been a lack of finalization in respect to the Speaker's authority and the responsibility that I have overall, and we have resolved that today. There's no difficulty at all and no difference of opinion between the Speaker and myself as to where the various lines of authority are and who has responsibility in these areas.

His document today is a proposed motion that we've undertaken, but there are still a couple of matters which must be determined between the Speaker and myself. If this motion is in fact put and passed today, it doesn't satisfy a couple of areas on which I need to have further discussion with the Speaker and our respective staff. I give an undertaking to this committee, Mr. Chairman, that even if this motion is dealt with and passed today, there will be no implementation of the system until we've come back to Members' Services Committee in respect to possibly one or two further recommendations. If they don't result, the Members' Services Committee will still be advised of that, and you will also be advised of a proposed implementation date by the department.

That's about all I can comment on now, Mr. Chairman.

MR. CHAIRMAN: Thank you.

The Minister of Public Works, Supply and Services, any additional comment to that, or that pretty well covers it?

MR. KOWALSKI: No. There's harmony in the land. Everything's progressive.

MR. CHAIRMAN: Okay. Any other questions?  
Cypress-Redcliff, Red Deer-North.

MR. McINNIS: Is this on the floor at the moment?

MR. HYLAND: Question: to talk about it, do I need to move it? [interjection] Okay, I would so move. I think that's what John was going to ask too.

MR. CHAIRMAN: All right. Do you want to make comments too?

MR. HYLAND: Yes, please.

MR. CHAIRMAN: Thank you. Okay. Cypress Redcliff.

MR. HYLAND: Mr. Chairman, I think I was next in line on the speaking list when this subject was up yesterday, and what I wanted to say then was that . . .

MR. CHAIRMAN: May we go to a new speaking list order, please?

MR. HYLAND: Yeah.

MR. CHAIRMAN: Thank you.

MR. HYLAND: The concern I had was that it kept on referring to the Legislature or buildings. With the Annex I think access to floors is more important versus controlled access to the building itself. This building is different. But with that one there there are some floors that are used by Leg. Office staff and some that aren't. Maybe this is one of the things the Solicitor General is talking about. Before the system needs to get in place, I think we should look at that access to floors not only in off-business hours but during business hours, because you can get on in the basement where there isn't always a security guard. There is on the main floor, and you can go up to whatever level you want.

MR. CHAIRMAN: Thank you.  
Edmonton-Jasper Place.

MR. McINNIS: The motion before us deals with the concern about the jurisdiction of the Assembly by delegating it to the Solicitor General, so it indicates that we could probably take it back whenever we wanted. But there's another concern which my colleague and I raised yesterday which I would like to address by way of an amendment to the motion. I'd like to add a clause 6, that says:

that the government will have no access to information regarding which members and Legislative Assembly staff enter the buildings at what time.

In speaking to the amendment, it was indicated yesterday that the system has a capability . . . Well, in fact, it essentially logs who utilizes the system, at what time. The identity of the individual cardholder is logged into the equipment and is available by way of computer printout. I think that's part of the reason why the Assembly would want to keep its own jurisdiction over access to its own building so that that information, if such is to be available, is not freely available in a partisan way. So that's why the amendment.

MR. CHAIRMAN: Okay. On the amendment. Barrhead.

MR. KOWALSKI: Mr. McInnis' motion would change an existing and current practice today. That information is available. Currently if anybody comes into the building after hours they come to the front steps, go through the door, and sign in with name and time. That information is available, and if there is a problem within the building, I guess if something were to happen, whatever investigation would be in place would have to take place. John, that information is now - your motion would say such information would not be made available. How would there be a . . .

MS BARRETT: The government.

MR. KOWALSKI: But it is the government now that has that information.

MS BARRETT: It's the Leg. Assembly.

MR. KOWALSKI: No. At the front steps of the building it's security people. It's the government, through use of Public Works, Supply and Services and the Solicitor General, that mans that, and you sign in. It's there. It has been forever.

MS BARRETT: Yup.

MR. CHAIRMAN: Well, two things. I see Edmonton-Jasper Place wanting to be recognized. A reminder: if I recognize you now, it closes debate on the amendment.

MR. McINNIS: Sure. I'll hold off.

MR. CHAIRMAN: The other thing I wanted to flag here is that that indeed is an area which needs more discussion. I would suggest that it's something we could deal with in terms of the three caucuses appointing someone to meet with myself, because it's one of the areas that the Solicitor General and the minister and I have flagged that we wanted to have discussion on and deal with for that next meeting. So it certainly is an area that we know needs to work out what is a consensus and a method of dealing with it. But for purposes of today's discussion that's why we had drafted this five-point document, to show that at least there are a number of points that are in common position. Okay?

So we're on the amendment.

MRS. MIROSH: Could you read it again?

MR. CHAIRMAN: Number 6:

The government will have no access to information regarding which members and Legislative Assembly staff enter the buildings at what time.

Calgary-Foothills, followed by Red Deer-North.

12-03

MRS. BLACK: Mr. Chairman, I think from the explanation that has just been given by the minister, Mr. Kowalski, that the front entrance falls under the Solicitor General vis-à-vis the security people. I think it would be imperative that that listing be maintained for safety and security purposes until such time as you three have had a meeting and discussed things further. But in the meantime, I think it would be imperative that the listing be kept.

MR. CHAIRMAN: Red Deer-North.

MR. S. DAY: I just echo those comments. I don't know how else you control people coming into the building late at night if they don't have to sign in, and I include people coming to see me or whoever. So I would say that for security purposes, I just don't have a problem.

MR. CHAIRMAN: Any other discussion on the amendment?

Call for the question on . . . [interjection] Thank you. I'm sorry, you're entirely correct, Edmonton-Jasper Place. Please, summation.

MR. McINNIS: Well, what I understand we're dealing with here is not the precise protocol for implementing the system. I thought the Solicitor General indicated that there would be more detailed information back to us before the system is implemented, so what we're doing is laying out some principles

whereby the planning takes place and the eventual implementation will take place.

I recognize that security personnel have a need to know who's in the building after hours and in which room in case of fire. Or in case there's an incident, they can subsequently go back and find out who was in the vicinity and find out what they know about it. That's part of normal, routine security practice.

What we're talking about is the principle that the government doesn't have access to that information. So far as I know, the government does not have access to the security logs that are kept at the front door of this building or at the security desk in the Annex as well. Maybe I'm mistaken about that. If I am, perhaps some of the people I bring into the building after hours would like to know that. I think I'd have that clarified: at the moment who's actually reading those logs and what use they may be making out of that information.

I agree that the issue needs more discussion, which is what I thought we were going to get. But what are we discussing? I hope we're discussing the principle that the Assembly deals with its security in relation to MLAs and staff and not the government.

MR. CHAIRMAN: For clarification, Public Works, Supply and Services.

MR. KOWALSKI: And only for clarification. It may very well be the use of the word "government" in this context that we've had this little exchange. I view that the security people, whether they're employees of public works or employees of the Solicitor General, are government. Now, I think in the narrow sense you may very well be referring to Executive Council or something: 25 cabinet ministers. That isn't the case; we have no access to that. I refer to it on the basis that these are civil servants employed in some department but part of the government. As long as we're clear on the semantics here of what we're talking about, because right now in my interpretation of the use of the word "government," when I said the government does have access to that information, I meant the security people who are employed by whatever department it is, not the cabinet. Surely the cabinet does not look every month, Wednesday afternoon, to see who's been in and out of the building. That's never been done, and there's no intent ever to do that. So the usage of the word "government" here is where we may be having a difference of view.

MR. CHAIRMAN: Dick, do you have any comment on that?

MR. FOWLER: No. I guess the reason we left that out, of course – and what is in there is one of the clauses we left out, Mr. Chairman – is because we wanted to have further discussion on it and bring it back to this whole committee again.

MR. McINNIS: Perhaps I should just indicate that if the information were restricted to security personnel, I'd have no problem with that.

MS BARRETT: Maybe that's what we could have brought back to us.

MR. CHAIRMAN: That helps us to work towards a common ground when we come back the next time. Okay?

So bearing that in mind, the vote with respect to the . . .

MR. McINNIS: Why don't I withdraw the amendment, bearing that in mind? It would simplify things.

MR. CHAIRMAN: Thank you. Is there unanimous consent for the withdrawal of the amendment?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you.

Right, then. Back to the discussion on the motion by Cypress-Redcliff. I recognize next Red Deer-North, followed by Calgary-Glenmore.

MR. S. DAY: Thank you. I just have a couple of questions. What will happen to access to the parkade when you leave the Annex on the northeast corner? There's an access there which presently, as I understand it, members have difficulty getting to; they have to wait for security personnel to come. So is some of this access equipment going to be installed there?

MR. FOWLER: There will be no need to be awaiting security personnel in any of the access areas in which members or staff are required, either for parking or otherwise.

MR. S. DAY: Okay, and thanks. Just again for clarification: visitors after hours will still come to the front door of the main building and sign in. Nothing's changed there?

MR. FOWLER: Unless they're with a member and the member is accessing some place where that member's access card works. Then there's no need to go around and sign in the visitor.

MR. S. DAY: Yeah. Thank you.

MRS. MIROSH: This list that we received yesterday: is it obsolete now with regards to the groups who will be issued cards?

MR. CHAIRMAN: It's in abeyance.

MRS. MIROSH: It's in abeyance? So we're discussing the issuance of cards just to members, not to everybody else who is in group II down to V, or whatever that group was we were given yesterday.

MR. CHAIRMAN: Yes. Again, it's members, officers, and staff of the Legislative Assembly, so it also means members of your particular caucuses; for example, the New Democrats and the Liberals.

MRS. MIROSH: And we were also told yesterday that this is 95 percent complete; is this true?

MR. FOWLER: Well, let me say this: I don't know. The security department has not started issuing the cards yet, so there's no problem on that. Mr. Speaker will design the cards if this is passed today and issue the requisitions or whatever he will in respect of those people to whom you were assigning the responsibility. I will do the same with my people.

We have to come back to the committee, though, in respect to the level of access that is received. Members have total access everywhere, and 24 hours a day. There will be a

discussion with the Speaker and myself in respect to the level of access that is required and who, in fact, will set that level, be it Mr. Speaker, be it myself, be it the member. That is one of the points that was taken off the sheet before it came back here. So there is not a difficulty in not implementing the system for whatever time is necessary. I mean, we haven't had the system in place before, and just because they're stringing wire today or tomorrow doesn't mean that come November 1 it's automatically in, because it won't be; there won't be cards available. So what is there now will stay in place until this committee has decided on the rules and regulations for the system and the date of implementation.

MRS. MIROSH: Just also, Mr. Chairman, for clarification, is this cost, then, going to be part of the Legislative Assembly's budget? No? Okay.

MR. CHAIRMAN: All right.  
Edmonton-Whitemud, Edmonton-Highlands.

MR. WICKMAN: Thank you, Mr. Chairman. There appear to me to be two aspects, and one aspect was the question of jurisdiction, which appears to have been resolved. At least the way I read the motion, it's a clear indication that it's recognition that we as Members of the Legislative Assembly fall within the jurisdiction of the Speaker's office, not only us but our facilities. So that seems to have sorted itself out.

Secondly, the other issue, that being of security for the general public, Mr. Chairman, through you to the Solicitor General. The earlier documentation about identification cards and so on and so forth, even reference and current documentation referring to identification cards: that's all been dropped?

MR. FOWLER: I'm sorry, Mr. Wickman, I . . .

MR. WICKMAN: The reference in earlier documentation to identification cards: that's all been dropped?

MS BARRETT: Yes. It's not even talked about, Percy.

MR. WICKMAN: Well, it's in the documentation. There's reference made to it; there's reference made to arranging for photographs to be taken and so on and so forth.

MR. FOWLER: I put a letter out from my department asking different people to identify someone. There will be no photographing at all. That is all on hold.

MR. WICKMAN: Is it off or just on hold?

MR. FOWLER: Well, if we're going to ident cards, Mr. Wickman, we still need to do it sometime.

MR. WICKMAN: I guess that's one of the questions I'm asking. Are we heading towards ident cards, or can you not talk about that here?

MR. FOWLER: I sincerely hope we're heading towards ident cards. They are a great convenience to every member.

12:13

MR. CHAIRMAN: No. There's a confusion I think. I think the ident cards are for anyone who's staff, MLAs. The photograph is going to be on the card. It's an access card, but it also

could be used as an identity card if you got challenged by someone who was brand-new security staff.

But your question is: when members of the general public come to visit, do they have to go through the business of having a card? That's the question, is it not? Right?

MR. WICKMAN: Right. Mr. Chairman, to the Solicitor General. If you've been to the Workers' Compensation building, for example, the process you have to go through to get in to see anybody - you, a member of the public, the Premier of this province - I don't want to see here, and I hope we're not heading in that particular direction.

MR. FOWLER: There's no recommendation arising from my department where the public is put to any inconvenience. Well, let's put it the way it is: that identification is not going to be called for, nor are they going to have to wear it around in those areas which I'm responsible for. The Speaker must speak for his own people and department in respect to the Legislative Assembly and the environs thereto, but as far as the general public walking into the building, it will be exactly the same after implementation of the system as it is now, unless they want to go into an area that the Speaker has sole responsibility for, and I don't address that.

MR. WICKMAN: Good. Thank you, Mr. Chairman. That addresses my concern.

MR. CHAIRMAN: The building is still open to the public when they wish to visit here and behave in an acceptable fashion, as 99.999 of them do. So that's not an issue. In the matter of a card that we will issue, it's the same one that was in place in the spring when people want to access these areas. We've had those coloured cards for the Liberal staff and the New Democrat staff and the PC staff, as to when they want to talk to their members in the various lounges, lobbies, whatever. No, this is not meant to restrict the access of the general public at all, not at all.

Edmonton-Highlands, Cypress-Redcliff.

MS BARRETT: This motion is worded just a bit wrong. It's written in a command form and it should be written in a passive or optional form. It just needs one word to fix it. It says: "That the Members, Officers, and staff of the Legislative Assembly of Alberta participate in . . ." The word "may" needs to be included. What you do is put "may" in after "Alberta" and before "participate," and that leaves it optional. I realize that it was hastily constructed. It's just that it is currently in a command form, and the intention as enunciated here is not a command.

MR. FOWLER: Mr. Chairman, if I might, I think the suggestion by Ms Barrett is right, because I've indicated that it's a choice of whether they want an access card or not.

MS BARRETT: I'll move it as my own amendment.

MR. CHAIRMAN: Will you move we take it as a friendly amendment and just absorb it?

MS BARRETT: Okay. Great.

MR. CHAIRMAN: Thank you. And those that choose not to access will then come in at regular working hours. All righty.

Cypress-Redcliff, then, a summation.

MR. HYLAND: Mr. Chairman, if I understand what we're doing, even though it may have our picture on it, we're now to the stage of talking access through a plastic key - we're not talking identification - into various . . . You have more options than what you have with just one key getting through one door. Thank you.

MR. CHAIRMAN: Parliamentary Counsel.

MR. RITTER: Mr. Chairman, just with regard to Ms Barrett's amendment. Mr. Clegg and I were just discussing it right now. The inclusion of the word "may" to make it appear optional may be redundant, because the intent of the motion as I understand it is to express that the members will participate in the system; however, the member and officers always have the option not to use the card.

MS BARRETT: I don't like any motion that appears to be a command.

MR. RITTER: I see.

MS BARRETT: It's for that specific reason that I want the word "may" to be in there.

MR. RITTER: I just wanted to clarify that, as I say, because there's no motion that can require a member to have to submit to security measures in the building in any case.

MS BARRETT: I also recently discovered that what you say in support of a Bill is not necessarily accepted as evidence in a court of law. So I like to be careful on these things.

MR. CHAIRMAN: Okay.

HON. MEMBERS: Question.

MR. CHAIRMAN: Those in favour, please signify. Opposed, if any? Let the record show carried unanimously, please.

Thank you, Mr. Solicitor General. We appreciate that very much.

MR. FOWLER: Thank you, Mr. Chairman.

MR. CHAIRMAN: We shall see thee anon.

MR. FOWLER: Thank you, members.

MR. CHAIRMAN: Thank you, committee.

With the consent of the committee I would like this motion we passed to be distributed to the other members of the House who are here with us and members of the media . . .

HON. MEMBERS: Agreed.

MR. CHAIRMAN: . . . so they can see exactly what the words are. Thank you.

Members, I know we have a number of issues here. We have two members who have come to join us. I think it's best, if it's agreeable to you, that we should perhaps move to item 4(e), Communication Allowance, and deal with the first subsection, which involves two members on two separate issues, even though

part of it will relate to both members. Perhaps we'll hear from both of them to see what they have to say, and then we'll go from there. Is that agreeable?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you.

The Member for Edmonton-Mill Woods and the Member for Redwater-Andrew on this communication allowance. You can come on up here.

Correspondence received: Clerk, would you like to . . .

DR. McNEIL: Yes. The binder contains the various pieces of correspondence relating to an eventual appeal by Mr. Gibeault to an initial administrative recommendation on the part of the Legislative Assembly Office with respect to the contents of a constituency mailer. It was our opinion, based on legal advice, that the content of the mailer was potentially defamatory and, therefore, should not be funded by Legislative Assembly Office funds. I don't know whether Parliamentary Counsel wanted to elaborate on that. The initial recommendation decision was based on legal advice of the potential liability that the Legislative Assembly Office would have in terms of paying for the production of the document. What Mr. Gibeault is doing is following the appeal process that is allowed under the Members' Services order.

MR. CHAIRMAN: Okay.

Mr. Clegg or Mr. Ritter on this one. Mr. Clegg.

MR. M. CLEGG: Mr. Chairman, the position of the administration in dealing with these questions is a difficult one. No member of the staff wishes to either be or appear to be in judgment on something which a member is doing, and we always hope that we have sufficiently clear guidelines that we do not get into that situation. It is always difficult to have guidelines which cover everything.

We came to a situation here where we felt that there was a possibility that the statement in the brochure was not something which a Members' Services Committee would have intended to be included at the time it was dealing with the order, in case there was the possibility that the words might be regarded as defamatory, which would put us as the Legislative Assembly Office, as publisher of the material, potentially liable. All this was, of course, uncertain. One can never be certain about these things.

12:23

We felt that it was not a decision which should rest with us, and I'm speaking collectively, for all the members of the staff who dealt with this. At the time this was dealt with, Mr. McDougall was acting Clerk and assistant deputy minister. The only way in which the determination could be placed back in the hands of those who are really responsible to it and entitled to make that determination - in other words, either Mr. Speaker or this committee - was by us advising the Clerk or his deputy at the time to disapprove payment. That brought the matter back to Mr. Speaker, and now it's moved it to this table, which we think is the appropriate route for determining these things.

MR. McINNIS: Mr. Chairman, can I ask a question at this stage?

MR. CHAIRMAN: Yes.



MR. McINNIS: The Clerk used the term "potentially defamatory" in relation to this matter, which is not a word I find in the correspondence at any level. I'm wondering why none of the parties were advised of the use of that ground prior to this appeal? I can't find the word "defamatory" in any of the correspondence here at all. I find the words "inappropriate for a publication funded from the Members' Services Allowance," the words "politically motivated and personally damaging," but nothing that uses the D word at all.

MR. CHAIRMAN: Parliamentary Counsel, I understand you were involved in the drafting of the memo.

MR. RITTER: Mr. Chairman, the term "potentially defamatory" is not used by the assistant deputy minister, although terms such as "is inappropriate for publication" – I think the assistant deputy minister was very concerned about expressing a legal opinion from a memo coming from him as a nonlawyer. I mean, anything that is going to be determined to be defamatory or not is a decision for the court to make. I think it's implicit in his memo that he felt it was inappropriate but didn't want to start giving a legal opinion as to why he believed it was inappropriate.

MR. CHAIRMAN: Thank you.

Okay, hon. members. One routing is to appeal to the Clerk and the next one is on to the Speaker. Because of the sensitivity of the whole issue, I've decided to bring it to the committee.

Mr. Gibeault, Edmonton-Mill Woods, please.

MR. GIBEAULT: Well, thank you, Mr. Chairman, and members of the committee. I appreciate the opportunity to bring this appeal to you.

You'll see that Mr. McDougall in his memo to me of August 23 indicated his concern that this may be perceived as "politically motivated and personally damaging to Mr. Zarusky." Now we have the additional concept on the table of it being "potentially defamatory." I'd like to just address those three in turn.

"Politically motivated" I think is a curious reference in the sense that politicians might legitimately be expected to be politically motivated, and it concerns me that in any event we're making judgments based on people's motivations. I think that's always a very curious and dangerous kind of approach, and I would refer the members of the committee to the Members' Services Committee order of consolidation regarding the constituencies services order and the item that refers to communication, item 3(2):

An item may be paid for under subsection (1) only if it does not contain any political party logo or promote political party activities, the soliciting of party funds, or sale of party memberships.

I would put it to you: you've all seen this, and I would suggest to you that this MLA report to my constituents does none of those things. I would suggest, then, that it should come under the area of items that should be paid for. Now, if the guidelines for governing communication pieces of MLAs to their constituents are perhaps not broad or comprehensive enough, surely I shouldn't be punished for that. I would suggest that we have to go by the rules as they are and not make up rules as we go along.

In regard to the proposition that this is "personally damaging" to Mr. Zarusky, I have received no evidence from Mr. McDougall or anyone else, Mr. Zarusky or anyone, substantiating that particular allegation. In addition to not having received anything that would suggest that, I sent copies of this leaflet to Mr. Zarusky suggesting he may want to express any concerns he

had about it and heard nothing back from him. I followed that up with additional phone calls, which I didn't hear back from either. So if there is any personally damaging outcome to this MLA report, there should be some evidence to substantiate that, and I would suggest there's none of that before us today.

In regards to it being "potentially defamatory," I think that clearly all MLAs have to take responsibility for the content of the flyers they put out even though technically they are paid for by the Assembly on our behalf. If Mr. Zarusky or anyone had the sense that this was defamatory, people have the normal legal remedies available to them as recourse to that. For the Legislative Assembly to be making an intervention of that nature without any complaints being lodged or any evidence supporting damaging outcome I think is quite inappropriate. So I would ask the committee's consideration of this and indicate that if we're going to operate by the rules as they exist, the appropriate decision here would be to allow for the payment of this particular report.

Thank you.

MR. CHAIRMAN: Okay. Now, I think the issue here is to ask any questions that deal with clarification with regard to this. Then I think the committee has the right to have the people leave the room and make its own decision, or they can adjourn to the back, whatever. But there are plenty of questions that perhaps have come to mind.

MR. McINNIS: Well, I thought we were going to hear from Mr. Zarusky first.

MS BARRETT: I'd like to.

MR. CHAIRMAN: Well, it's not on the issue of that. Okay, let us get this crystal clear.

MS BARRETT: Yeah.

MR. CHAIRMAN: We're not going to reinvent the wheel as to them discussing this. What we're discussing is the matter of payment of this particular bill or the payment of another bill. Okay? Just so you have that for clarification.

MS BARRETT: Sorry, I don't understand. The payment of another bill? What is this agenda item? I don't understand. No one's told me about this.

MR. CHAIRMAN: The other problem here is that there was . . . Clerk, refresh my memory on this one. This was another invoice which was turned back?

MR. BOGLE: On the same general matter, as I understand it.

MRS. MIROSH: There are two invoices?

MR. McINNIS: We have no documentation at all.

DR. McNEIL: Yeah, there was another invoice that was turned back.

MR. McINNIS: So Mr. Zarusky is here on an entirely different matter.

DR. McNEIL: Yes.



MR. CHAIRMAN: On an invoice of his.

DR. McNEIL: On a similar matter but his own situation.

MS BARRETT: Why isn't this in the book?

DR. McNEIL: I don't have any material.

MS BARRETT: I don't even know what it is you're talking about.

MR. CHAIRMAN: Well, we can adjourn this so we can get the material you've got. We can either table it till the next meeting or we can deal with it.

MR. BOGLE: Mr. Chairman, could we carry on with our discussion and could the material – I think we're talking about one or two pages, if it's an invoice – relating to Mr. Zarusky be duplicated and brought back to the committee members so we can deal with the issue?

MS BARRETT: More importantly, I think you need to ask: does the second item relate in any way to the first item in terms of the decisions that are being asked of us?

MR. BOGLE: Yes.

MS BARRETT: Well, I want that information before we proceed to make a decision in the first case. I want to know what the second decision is about. This is not fair otherwise.

MR. BOGLE: We'll call a break.

MS BARRETT: Yeah.

MR. BOGLE: Call it a coffee break so that necessary material may be distributed.

MR. CHAIRMAN: We'll have a lunch break. Maybe I can get a sandwich now.

MR. BOGLE: Oh, it won't take long.

MR. CHAIRMAN: All right. We'll be back here at 10 minutes to 1.

[The committee adjourned from 12:33 p.m. to 12:53 p.m.]

MR. CHAIRMAN: All right. The other invoice and material is here dealing with the matter of invoices.

Mr. Zarusky.

MR. McINNIS: Mr. Chairman, are we going to deal with both appeals together or the two separately?

MR. CHAIRMAN: Well, I heard from you that you want to do both appeals together. So we'll hear the statement from Mr. Zarusky now and then go from there.

MR. ZARUSKY: Thank you, Mr. Chairman. I guess this is something that came back from this spring. Naturally, as the representative for the Redwater-Andrew constituency, it was my duty to report to my constituents as quickly as possible on what

was indeed happening in the Legislature and in my own situation. So what I did was draft a message to my constituents and run it through the newspaper, in this case the *Elk Island Triangle*, making the thing so my constituents would understand. But I gather we used the words "New Democrats" in the article, which Members' Services, after investigating, find is not right.

I spoke to the Speaker at the time I sent the invoice in for reimbursement, and when I was told that it wouldn't be paid by Members' Services, I spoke to the Speaker and indicated I probably would appeal this decision also. But after going back and looking at some of the rulings and the Members' Services guidelines, I decided to drop it at that point and will be looking after the invoice out of my own personal funds.

MR. CHAIRMAN: Edmonton-Whitemud, followed by Edmonton-Jasper Place.

MR. WICKMAN: Mr. Chairman, first of all, I was going to say that I think it's very, very important that constituency budgets be used for the purposes they're to be used for and not for political purposes. But I'm uneasy with what's happening here. I'm uneasy from the point of view that we have a government member coming forward that hasn't even filed an appeal, speaking to the committee – I don't know if it's an apology or what – announcing that he chooses to pay. There is no documentation here where there's been any written appeal to the Speaker, to you, Mr. Chairman. I don't see any written material from the legal advisers, Parliamentary Counsel, as to their feelings on it. I think this whole thing, both of them, should be tabled and we should have complete information for the next meeting as to what led up to this particular one suddenly appearing on the agenda.

MR. CHAIRMAN: Okay, I have a motion to table. I guess we'd better vote on that.

All those in favour of tabling till the next meeting, please signify. Opposed? Thank you, Edmonton-Whitemud. That has made my life a little easier. Thank you.

Edmonton-Jasper Place.

MR. McINNIS: So that I'm understanding the situation, we're now dealing with the one appeal from Edmonton-Mill Woods and not with the matter of Redwater-Andrew, which is not an appeal. I don't know why the material is here, but it's really not part of the discussion. I think in considering the appeal, the committee has to consider the material that's properly before it.

MR. CHAIRMAN: Excuse me. I think we need to pause for a moment. There was the verbal appeal request by Mr. Zarusky. Now, like you, I'm informed in the last couple of minutes that he's going to withdraw. He's decided, so he can withdraw from the meeting. He can stay if he would like; he can leave if he wants. I know he said he has another meeting, but you're welcome to stay, whichever way.

MR. ZARUSKY: No, I'm leaving because I have another meeting. It's my personal decision, and it stands.

MR. CHAIRMAN: Okay. Thank you.

MR. McINNIS: What we have to deal with is whether the printing costs of the invoice from Edmonton-Mill Woods can be allowed under the Members' Services order or not. The

information in support of the appeal is the documentation, the Members' Services order and the document in question itself.

The other issue that was raised at the beginning of this session, whether the material might be defamatory or not, is an interesting issue. It's certainly not one that this committee is in any way, shape, or form qualified to adjudicate upon. We have no jurisdiction or authority to determine whether material is defamatory or not or even potentially defamatory. In fact, that suggestion can't be considered to be a part of the appeal because it was never part of the decision in the first place. There is a principle at least of natural justice, and I believe in law you can't raise new charges in an appeal. Essentially that amounts to possibly a new allegation against an hon. member, but it's certainly not a part of this appeal process.

What we have to deal with is whether the question in the householder – the member is simply asking his constituents for input, which I think all members do in one form or another. I think there are probably quite a few members who use written questionnaires as a device to obtain input from their constituents. Others do it by telephone or in person, but for sure we all attempt to obtain input from our constituents on questions of public policy all the time. That's what our political system is all about. In some way we try to bring the input of our constituents into the process along with other things we become aware of.

Now, I think the real issue, to get right down to it, is the use of the word "scandal." It seems to me there is a concern potentially that we shouldn't be talking about scandals involving the government in our householders, in leaflets or communications we have with members of our community. Now that's difficult, because if you make a rule by this appeal process that we can't talk about government scandals, there's quite a large area that will be off limits – in fact, a very large area. We couldn't talk about the Peter Pocklington/Gainers loans, North West Trust, Softco – all the assets that were put into receivership, the numbered company, the identity of the individual lawyer who kept the contents and the transactions in that fund from being part of the Auditor General's purview in the province of Alberta – relationships between the province and the Kananaskis Village Resort, the World Blitz Chess Championship, the Principal Group . . .

MR. CHAIRMAN: Thank you, hon. member. That's enough examples. I think you've made your point.

MR. McINNIS: In fact, there are about 40 different examples; I've only dealt with a few of them. I think the point has to be made that this government has launched many adventures and misadventures which became scandals because of the way they unfolded and because of the way they were handled.

If the committee wants to take it upon itself to say that in a householder communication with members of your constituency you can't talk about government scandals, that's a very, very large area that's off limits, and it's not happening by virtue of an amendment to the Members' Services order. I don't believe the government is going to come forward and say that you can't talk about government scandals, but I think if you look around the table and see who's on this committee, you'd have to say that there are quite a few people here who wouldn't like to have householders dealing with government scandals because they have a political interest in making sure those scandals aren't discussed in any form, let alone simply the matter of a member's householder.

1:03

So I submit that we have a government of laws, not of men and women, and when members go to assess what they can put in their householders, they have to be able to consult the law the way it is. Now, the law the way it is states that you cannot take partisan advantage of this communication device by displaying "any political party logo or [promoting] political party activities, the soliciting of party funds, or sale of party memberships": section 3(2). Now, reference to the scandal involving the Member for Redwater-Andrew does not qualify as a political party logo, certainly not a party activity, solicitation of funds, or a sale of party membership. So it comes back, you know, to whether this committee has the right to decide what substantive areas of public policy may or may not be discussed. If you can't talk about the Zarusky scandal, you certainly can't talk about the decision to hire Jaakko Pöyry, for example, to review a review that was already conducted on a project which by that stage had already been withdrawn. That's certainly a scandal, but not something that can be discussed in a householder if the committee decides to undertake the partisan interest to ban these things. Or the lease of the Olympia & York project downtown by the government without competing tender for a large amount of office space that may or may not have been required . . .

MRS. BLACK: Can we go with the topic, Mr. Chairman?

MR. McINNIS: The topic is scandals involving the government.

MR. CHAIRMAN: No, it isn't, hon. member. There's been sufficient latitude on that. Perhaps come back to the issue, please.

MR. McINNIS: We have a decision by the Speaker which has been referred to this committee . . .

MR. CHAIRMAN: No, sir. Would you like to read the correspondence? You'll see that it was dealt with by administration. The Speaker really doesn't need to concern himself with having to worry about examining people's fliers and leaflets. Rather, knowing the potential discussion that we're now in, he felt it far better to bring it here to the committee. The Speaker did not make the decision.

MR. McINNIS: What I was trying to say is that the Speaker made the decision to bring the issue here to the committee to discuss. That's the essence of it. The essence of it is, I take it, the use of the word "scandal" in relation to a government member and activities of government. The question that's . . . [interjections]

MR. CHAIRMAN: When Edmonton-Jasper Place finishes, I'll recognize Red Deer-North, Calgary-Glenmore, Edmonton-Highlands, Taber-Warner, Barrhead.

MR. McINNIS: Suffice to say I was able to deal with 10 out of a list of 40 government scandals, all of which would potentially be subject to censorship by somebody. Those of you who feel motivated to reject the appeal and to disallow payment should consider what the mechanism is in this new world we're entering in which the content of government actions, government policy, and the activities of government members can't be communicated in a householder. What's the mechanism? I mean, who decides what is a subject matter that's verboten under the rules?

At law we have associated that entirely with partisan political activity. Party membership, party logos, party activities: those are the things that we attempt to draw a line around. Now we have a whole new area. It's a very substantial area.

I think this committee is not able to make that judgment, because this committee consists of people who are partisans and people who have a partisan interest in preventing some of that from being communicated to the public. Therefore, I think we have to have some mechanism whereby the rules of the game can be adjudicated independently, and that's what we don't have. To have to come to a committee today which has a partisan membership and make a case that this particular thing ought to be talked about or the fact that it has been talked about is legitimate, when in fact the member can only rely on the Members' Services order to make that judgment in the first place . . . The member cannot be responsible for polling members of a Legislature committee to see whether this particular scandal is okay to talk about or that particular scandal isn't okay to talk about.

MR. CHAIRMAN: Thank you, hon. member.  
Red Deer-North.

MR. S. DAY: Thank you, Mr. Chairman. You know, the very nature of this committee lends itself to issues or items having the appearance of being blown sky-high and right out of proportion. I guess it's because of the nature of the committee. We have a group of individuals that have to sit around and look at items. It always attracts attention. So these issues become larger than life and I think almost take on a bit of the theatre of the absurd in themselves. It's never been on my top-10 list of how to spend a fun afternoon, to have to come to Members' Services, but I guess it is a necessary part of dealing with the intricacies of government.

Having said that, I'd like to first comment that Percy Wickman made a statement. He said that newsletters are not used for political purposes. I think we all need to be grown-up boys and girls here and call a spade a spade. There isn't a newsletter that goes out in this province or in any province that isn't used for political purposes. There isn't one of us here as a politician who puts together a piece like this one, which is thinly veiled in a masquerade as a newsletter, to make ourselves look bad, to not promote what we're doing. I think to varying degrees all of us have the good intent of informing our constituents of things. But let's face it, these letters are political, and if we say they're not, we're kidding ourselves or trying to kid somebody in the room or the public at large. The question is: to what degree do we allow the political nature of the newsletter to come to a place where it's offensive to the public and is honestly just straight propaganda? Just using this, since it's before us, as an example of what I'm saying, on AGT reorganization: "AGT customers can expect rates to go up and service to go down, particularly in rural areas." Or how's this for a very objective question:

Now that AGT is being sold off to private interests, whose main concern will be maximizing profits rather than providing service, the next logical step would be to introduce Local Measured Service, where you have to pay for every local call you make.

And here's the very objective question: "Do you support this approach?"

I mean, I'm not saying we ban this - we have to let it go under free speech - but I'm using this as an example, ladies and gentlemen, to say let's not say that these letters are nonpolitical.

This is so thinly disguised that it's almost insulting to the intelligence of the six-year-olds who would read it.

But my question here actually reflects . . . John, what is the mechanism that we have in place? I need this for my information, for us to determine as members of this committee at what point we say, "No, this should not be paid." At what point is it so offensive? Now, in this particular case we have a reasoned opinion, offered to us by the folks that are in place here to protect us and warn us of eventualities like this, that there is a potentially libelous statement. So I gather this is part of the mechanism and warning process.

MS BARRETT: So we've got "libelous" now?

MR. S. DAY: Sorry, whatever the word was. "Potentially defamatory?" Okay.

My question is this: if we were to say, "Thank you for the warning; we choose to ignore it; we recommend this be paid for the usual way," and a lawsuit was to follow and this was found to be libelous, do we then become named in the suit? Having been warned this could be defamatory, do we become a party now if we say, "We overruled the ruling; go ahead and pay for it"? That's a question I have.

The other question is on mechanism and process. I need it clearly laid out for myself. At what point do things become so offensive that, minimizing the partisan aspect, we can say that this newsletter goes too far or that one goes too far?

MR. CHAIRMAN: Parliamentary Counsel, on the business of we say, "Okay, go ahead and pay it."

MR. RITTER: Mr. Chairman, the concern of Parliamentary Counsel was that in case there were any difficulties arising from the terminology used. We weren't expressing judgment on the word "scandal," but only raise the possibility that it might be interpreted to be attacking a member in his personal capacity in a negative sense. It was the factor of both being coupled with not making statements about a government - a government cannot sue someone for defamation, but an individual who is attacked for something he did in his personal capacity may. For the protection of all members we try to be nervous about anything we get across our desks that might give rise to potential problems. If the Legislative Assembly did publish something that was later found by a judge to be defamatory, as publishers of the material we would be then liable.

MR. CHAIRMAN: Thank you.  
Mr. Clegg.

1:13

MR. M. CLEGG: I'd just like to add a little further note to that. There have been a number of cases on the liability of publishers. It's very difficult to say what might happen. However, I'm not aware of any cases where the publisher has been held liable where in fact the publisher did not know the content of the material before it was sent out, distributed. In this case it would be an open question whether we'd be regarded as publishers. It was a concern that we couldn't be certain about. The cases where publishers have been held liable, as I say, have been newspapers and magazines, where they have control of the content. In this particular case this document was published before it was presented to the Assembly for payment. On balance, I believe there is a possibility that we could be

named as defendants. But remember that from the cases which I have looked at respecting publishers' liability, I don't think we'd be held to be publishers.

But the possible defamatory nature of the matter was a factor not only because of possible liability of the Assembly, which I would personally rate as being pretty low – that the court would hold us liable – because it was sent out before we knew of its content, but because it didn't seem to be something which really came in the spirit of the order which the committee intended when it enacted the order, or if it did, we weren't certain enough to know where the spectrum of political content information lay. As I said before, by turning down the invoice, it enabled the decision to be taken by a forum which has a role of determining policy, which we don't.

MR. CHAIRMAN: Thank you.

Calgary-Glenmore, Edmonton-Highlands, Taber-Warner, Barrhead, Calgary-Foothills, Edmonton-Whitemud.

MRS. MIROSH: Thank you, Mr. Chairman. I recall receiving a video *Your Legislative Assembly at Work*. It was circulated to us as MLAs for us to circulate to members in our constituency. I also recall that on that video it says that once you are elected, you're a representative for all the people in your constituency and that your constituency budget is used, basically, to represent all people regardless of their political stripe.

I really feel strongly, Mr. Chairman, that this doesn't reflect a statement for all people. It is directed specifically to one MLA, Mr. Zarusky, and I don't know of any cases whereby people do name other people in their literature. And just on what Stock Day said with regards to political overtones, I think we are all there to introduce what we're doing as MLAs for our constituents and what we believe in. I feel very strongly that this is slanderous. All MLAs have been told time and time again that we're to use our constituency budgets for every person in our constituency, and I believe strongly that this particular questionnaire has not done that and that it's out to slander people.

Whether or not the bill should be paid is another question. Can Parliamentary Counsel give us some examples where this case has occurred before in Leg. Assembly that you're aware of, where in fact this has happened in a court case, where somebody's name was brought forward on their literature?

MR. RITTER: Mr. Chairman, we're not aware of any case, at least in this jurisdiction, where it's actually gone to court. I do know that our director of administration routinely reviews the invoices when they're turned in and brings any questionable materials to us, and I know that there have been several members of all caucuses who have had materials returned to them for consideration. It's lucky if we get the proof before it's run, but of course that's not usually the case, and many times members have in the past ended up having the invoice returned to them for payment out of their personal funds.

MR. S. DAY: Just on that point, Mr. Chairman, then subsequently did those members pay on their own? Is that what happened, then, as far as you're aware?

MR. RITTER: I believe so. As far as I'm aware, they did, Mr. Chairman.

MR. McINNIS: Am I hearing correctly, though, that no member of the Assembly has ever sued the Legislative Assembly on account of what's in another member's newsletter?

MS BARRETT: Right.

MR. McINNIS: I don't think that's ever happened, has it? Or a Member of Parliament sued Parliament? Let's get real.

MRS. MIROSH: That's what he said. He said no.

MR. CHAIRMAN: All right. You know, let's face it: in the course of a year we get a number of similar situations. For example, I can think of certainly one if not two others out of government caucus and two out of the Liberal caucus. But people haven't requested appeals before. I didn't realize we were turning into a court of appeal.

Edmonton-Highlands.

MS BARRETT: That's very interesting, what you just said, Mr. Chairman. Exactly; right where I was going to start. Here we have, folks, an example of two MLAs before us, one whose documentation was not put in the books. Suddenly, after I request that the documentation be made available prior to consideration of both issues, out of the blue he withdraws what was hitherto an unspoken request and an unannounced request to have his page 4 editorial paid for out of his constituency budget because it had been turned down because it cited "the New Democrats." Now, I've got to tell you that if we're talking about an administration or a committee of censors that is drawing the line at using words like "the New Democrats" or citing individual MLAs, you know, we're in a very dangerous territory. Big Brother has nothing on this.

Now, I see that there are two words that were considered by people in admin offensive or something like that; they "felt" or "had feelings" about them. One was the word "scandal." The other is the words "New Democrats." Now, I'm not going to tell you the real example from where I derived the following comment, but I've been in committees like this before. I've been political for a long time, and I can remember talking to people in Britain saying: "What next? Do you mean next I can't say Conservative?" Oh, boy. I mean, do we want to vet all the MLA reports prior to publication? Who wants to be on that committee? Let's get realistic here. Stock quotes, you know, this AGT and local measured service example. I can tell you a number of Conservative MLA reports that I read that said everything was beautiful. I mean, you could've drafted a number one hit song out of some of the clichés that I've read. Right? And I'll bet you could draft a number one hit song out of some of the clichés I have written.

MRS. MIROSH: Sing it right into the mike, Pam.

MS BARRETT: Okay. All right. We'll start singing any minute now.

Suddenly, after we read communications between Gerry and administration in which admin is talking about feelings of "inappropriate," not talking about the actual Members' Services order, we suddenly got an escalation to "potentially defamatory," and now we've got a new one from Dianne, and it's "slanderous." If this is slanderous and potentially defamatory, why didn't Steve

respond to Gerry's letter and say, "Yeah, I'm gonna sue you," or "I'm going to make this a fight"? Why didn't he return any of the phone calls? Because it isn't that important. Surely people start to see the case that I am drawing. How deep do you want to get into this stuff? Do you want that committee? Do you want some thought police? You know, I can refer you to a great author who'll give you some good instructions about that.

Now, finally we've got Michael Ritter saying: "Well, you know, maybe it's not right to," or "Maybe we perceived that this is an instance of attacking a member in a personal sense." So what does this mean? I can't say in a newsletter that John Oldring sponsored a Bill or a motion to do XYZ, or I can't say Don Getty supported XYZ: hideous Bill, motion, whatever? I mean, this is a subjective world, folks, and we're subjective participants. I think this a complete red herring.

I want to remind you of what I started off by saying. Why is it that a guy who went to the Chair of this committee and said, "I want to appeal a decision by admin to deny payment of a bill for an editorial that I paid for," withdraws it even prior to us seeing it because I asked to see it. He should have stuck to his guns. No one in the world would complain about the identification of a political party which has a legislative caucus in the context of this or any other publication. The rules are the same. A, no rule has been violated, and B, you get into very dangerous territory if you want to start censoring.

I say drop the issue.

MR. CHAIRMAN: Okay. Barrhead, Calgary-Foothills, Edmonton-Whitemud.

MS BARRETT: That's you, Ken. Ken, Barrhead. Yoo hoo.

MR. KOWALSKI: I'm sorry?

MS BARRETT: You got called. You're named.

MR. KOWALSKI: Mr. Chairman, I'm going to pass. I'm enjoying this theatre of the absurd.

MS BARRETT: So much that he's reading one of your notes, Dianne.

MRS. MIROSH: Not my note, Pam.

MR. CHAIRMAN: All right. Calgary-Foothills.  
1:23

MRS. BLACK: Thank you, Mr. Chairman. On July 19 at our meeting we had a discussion on communication allowances, and if members turn to their minutes, they will see in section 90.93: Concern was voiced by Messrs. McInnis and Wickman should fixed guidelines be established relevant to the allowance. They expressed satisfaction with the present guidelines, feeling that Members should be treated as honourable Members and the relationship they had with their constituents in terms of what was appropriate and not taking partisan advantage of public funds for political party and election-related activities.

MR. McINNIS: Read 90.82 as well.

MRS. BLACK: I think both situations are definitely partisan. I object to the first very much. I think it was uncalled for, and I do not appreciate a member from my caucus citing another party in an article. I object to that very much, and I object to

the second one, and not only on naming the individual MLA, which I think is wrong. We've been warned in the House many times about naming people. I am glad it doesn't say my name there, because I feel I would probably look at a legal situation. However, I do think that when you read the brochure, there are obvious political overtones - in both articles.

I would hope that Mr. Gibeault would do the honourable thing and withdraw his appeal. Then I would like to recommend that we review the rules and regulations to make sure that they are crystal clear in the future, because I know there has been some confusion as to what qualifies and what does not. I don't feel that the Legislature or members of it should be open to criticism for not having crystal clear rules that everyone can understand. Maybe we need to institute a plain language Act in our rules so that people will not be misinterpreting the intent of them, which is to not have partisan or political activities partake in their communication allowance.

MR. WICKMAN: Mr. Chairman, are you ready for a motion at this time?

MR. CHAIRMAN: Yes.

MR. WICKMAN: I'm going to make a motion, Mr. Chairman. The motion will read:

that this committee uphold the appeal submitted by the Member for Edmonton-Mill Woods and, secondly, that a subcommittee be struck to draft criteria for this committee's consideration which expenditures relating to constituency communicating allowances would have to abide by.

Mr. Chairman, speaking to it, first of all . . .

MR. CHAIRMAN: Hon. member, I think we have two separate motions. The first motion is the appeal, and then when that's dealt with, I'm quite happy to recognize you for the second part. So the first is: uphold the appeal of the Member for Edmonton-Mill Woods.

MR. WICKMAN: Mr. Chairman, I'll accept your ruling and split the two.

First of all, let me say that I'm not happy with the way this committee has dealt with these two items. The one coming from the Member for Redwater-Andrew was a total surprise to me, and I'm not sure what the purpose was in the member coming to the committee. It just is not the proper way, I believe, to do things. This committee has to be a committee that is not perceived or act in any way with a political interest for any of the three parties that are represented in the Legislative Assembly, and there shouldn't be any attempts to, let's say, mask an issue that is in front of us. I'm not sure if the second one was submitted as a red herring or exactly what the intent of it was, but it's no longer in front of us.

But, in any case, the reason why I made the motion is that if we look at the existing, the existing guidelines are very, very specific. They were read, and they relate to three different items. In all three cases this document did not offend or violate that particular ruling or that particular guideline that is presently in place. I'm not saying, Mr. Chairman, that that is correct, but that is the situation at the present time, and I think we have to live by that situation at the present time. I think we've got to look down the road though, and we have to ensure that there are sufficient guidelines in place that are developed by members of this committee to ensure that in the future we know what is acceptable and what is not acceptable. That's the purpose for

the motion that will follow at a later date or at a later time. But because of what's happened in the interim, that two documents were published – both of them, in my opinion, lived with the existing guidelines – we have no choice. If we're going to be fair, we have no choice but to honour the appeal that has been submitted by the Member for Edmonton-Mill Woods. And I would have upheld the appeal, had he chosen to go ahead with it, from the Member for Redwater-Andrew as well.

**MR. CHAIRMAN:** Further discussion on the motion to uphold the appeal? Edmonton-Jasper Place.

**MR. McINNIS:** On the motion, it is reasonably clear what our function is in this matter. We are the body that hears appeals under the Members' Services guidelines. However, we're not at liberty to make decisions based on some other matter not contained within a Members' Services order.

If members think about it for just a moment, in any appeal process you can't allow new evidence to be introduced at the appeal stage. It's not proper. At no time was the member advised that there was a question of defamation or libel or slander or any of the other terms that have been thrown rather loosely around the table. In fact, that has not been established, that there is any question of slander or libel. Moreover, the question that is in the minds of some members, whether they become a party to that by voting one way or the other on this, is not properly before this committee at the moment. We have to make a ruling on whether this statement about the Zarusky "scandal" constitutes the display of a political party logo, promotes a political party activity, solicits party funds, or sells membership. Our role is limited to that only, and for that reason, I think we have no choice but to allow the appeal.

The problem is not that the rules are unclear; the problem is that some people around this table feel that the rules are inadequate to the job. If that's the case, then we need new rules, but we can't create new rules in the process of dealing with an appeal.

**MR. BOGLE:** Mr. Chairman, would John entertain a question?

**MR. McINNIS:** Sure.

**MR. BOGLE:** Well, we just heard Pat read from the minute of our July 19 meeting wherein under a section in the minute which we approved unanimously yesterday, reference is made under your name and under Percy's name that we not take "partisan advantage of public funds for political party and election-related activities." This is under our communication guideline. Do you stand by that statement?

**MR. McINNIS:** Mr. Chairman, I absolutely do, and in fact that's my point. We have in the Members' Services order at 3(2) a very precise and clear definition of what constitutes partisan advantage, and you can't start bringing in new things under the rubric of partisan advantage. What Calgary-Foothills forgot to read from the minutes was the substantive item where we did review the constituency allowance expenditure guidelines under item 90.82. I'll just read it briefly.

The Clerk reported on the May 21 meeting between himself and the Chiefs of Staff on the issue of caucus and constituency allowance expenditure . . . where the issue of whether more definitive regulations should be established had been discussed. In view of the ability of the Chiefs of Staff and Administration people to discuss and resolve particular difficulties which had arisen

in the past, the general consensus which had been reached was that there was no need for more exhaustive guidelines. That was the decision of this committee. Then later in the meeting you came forward, Member for Taber-Warner, to suggest that perhaps some review was required. There may be a review going or there may not. Mr. Wickman and myself expressed the view that the existing definition of partisan advantage is adequate to the job, and it's certainly the only definition that we have to apply to this case. We can't make up a new definition today and bring in all kinds of other information or ideas in what might flow into that broad concept of partisan advantage and apply those to a situation that's in the past, because this committee as recently as July 19 . . .

1:33

**MR. CHAIRMAN:** Hon. member, there was a question, and I think you've answered it. Thank you. You're now back to repetition.

**MR. McINNIS:** We reaffirmed the guidelines.

**MR. CHAIRMAN:** Thank you.

**MR. BOGLE:** Well, speaking to the motion . . .

**MR. CHAIRMAN:** Without asking for more questions, I hope.

**MR. BOGLE:** Speaking to the motion, Mr. Chairman, I just remind hon. members at the table that we can't have it both ways. On one hand, it's not appropriate that we argue that the guidelines be very general in nature to meet members' maximum flexibility and then the moment a matter is brought forward use a completely different basis that, "Well, you didn't explicitly state we couldn't do that, so we're going to do it." Now, we better make up our minds which way we're going. You can't have it both ways.

**MR. McINNIS:** Follow the guidelines; follow the Members' Services orders.

**MR. BOGLE:** It's very clear to me in this particular matter.

**MR. CHAIRMAN:** Okay. Additional discussion on the motion that is before us? If not, there's a call for the question on the motion of Edmonton-Whitemud that the appeal as offered by Edmonton-Mill Woods be upheld. Those in favour, please signify. Opposed? It's defeated.

**MS BARRETT:** Can I ask if we can have the vote recorded, Mr. Chairman?

**MR. CHAIRMAN:** I had three voting in favour, and the rest were opposed.

**MS BARRETT:** Can we have our names placed on the record?

**MR. CHAIRMAN:** Absolutely. Those who were in favour, please signify again. Opposed? Thank you.

[For the motion: Ms Barrett, Mr. McInnis, Mr. Wickman]

[Against the motion: Mrs. Black, Mr. Bogle, Mr. S. Day, Mr. Hyland, Mr. Kowalski, Mrs. Mirosh]

MR. CHAIRMAN: Edmonton-Whitemud, do you have a second motion?

MR. WICKMAN: My second motion, Mr. Chairman, is that a subcommittee be struck to draft criteria for this committee's consideration which expenditures relating to constituency communication allowances would have to abide by.

Speaking to it, Mr. Chairman, I believe it's very, very obvious that what has occurred makes it a requirement that guidelines over and above what we presently have in the members' services guide be established so that in the future we're aware of exactly what is permitted and what isn't. Let me go on record as saying that I believe that constituency allowances are for a purpose, to benefit all constituents, and not to be used for political purposes. I have no problem with that. I do have a problem with the way this whole mechanism worked today, but that's been dealt with.

However, in the future, to ensure that we don't have a repeat performance of what's happened here today, I believe we have to have those types of guidelines. I believe they have to be developed by representatives of all three parties that are represented in the Legislative Assembly. I would see a subcommittee consisting of two members of the Progressive Conservatives, one member of the New Democrats, and one member of the Liberal Party. That would give us four members that would sit down and attempt to draft those guidelines, which of course would come back to this particular committee.

I guess in some situations there were some regulations that would govern in a particular community just by the papers that may be in that particular area. For example, if I were to look at the particular ad that was dealt with by Redwater-Andrew, I would suggest that neither paper in Edmonton would have accepted it in its present form in that it's very misleading. It's made out to be that it's a news release, whereas it's a paid ad. Normally it's practice on the part of publications to state that it's a paid ad. That's a very, very strange one, to say the least. In any case, that's been dealt with, but in the future I would feel more comfortable with guidelines so I know what our caucus has to live with.

MR. CHAIRMAN: Thank you.  
Edmonton-Highlands.

MS BARRETT: Pass.

MR. CHAIRMAN: Thank you.

MR. McINNIS: I'm opposed to the motion, because it seems to me that as of today it doesn't matter what we write in the rules; what they become on any given day is what the Conservative majority on this committee believes. What we have here is a case where the guidelines were clearly not violated by a member, but nonetheless the committee, on a partisan vote, decided that they were. So it doesn't really matter what you put in there; what every member has to do is make a partisan judgment as to what the tolerance limit of the Conservative majority on this committee is. I submit that's impossible. So we're just playing with words when we put them in the guidelines. It comes right down to how the vote goes.

MR. BOGLE: Could I suggest a brief, five-minute coffee break, Mr. Chairman?

MR. CHAIRMAN: Five minutes from now. See you back here at 10 minutes to 2.

[The committee adjourned from 1:39 p.m. to 1:48 p.m.]

MR. CHAIRMAN: Order please, ladies and gentlemen. Last we were at before we adjourned was Taber-Warner, and we were on the motion to strike a committee as proposed by Edmonton-Whitemud. Maybe Taber-Warner's comment was just to have a bit of a break.

MR. BOGLE: Yes, it was.

MR. CHAIRMAN: Is there a call for the question with respect to the motion by Edmonton-Whitemud to strike a committee dealing with guidelines?

HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour, please signify. Opposed? Carried. Recorded or not?

MS BARRETT: It doesn't matter.

MRS. BLACK: Record it, please.

[For the motion: Mrs. Black, Mr. Bogle, Mr. S. Day, Mr. Hyland, Mr. Kowalski, Mrs. Mirosh, Mr. Wickman]

[Against the motion: Ms Barrett, Mr. McInnis]

MR. WICKMAN: Mr. Chairman, may I ask now: is it going to be assumed that the subcommittee will consist of the structure that I . . . Well, that wasn't part of the motion. Those were my comments. But it'll be that way?

MR. CHAIRMAN: There'll be yourself representing the Liberal Party; the New Democrats may wish to choose one of their two members.

MR. McINNIS: We just had a caucus, and it'll be me.

MR. CHAIRMAN: Edmonton-Jasper Place. Perhaps the government members need some time to figure out who it's going to be. Taber-Warner. The other one, Calgary-Glenmore. If you want to have consultation with any of the staff, just call. I look forward to you coming forward with the wisdom of Solomon.

I think we should move on with the agenda to the matter of resolving Edmonton-Strathcona so that the appropriate notification or whatever can be dealt with, since the vacancy has occurred. You have before you a motion which was distributed earlier today.

MS BARRETT: Mr. Chairman, I think this motion basically conforms to the current practice. This just spells it out. In other words, the constituency office funding continues to . . . Well, maybe I should read it into the record. That's not a bad idea, huh? Okay.

During a period when a constituency has no member, the member's allowance may be expended as if there were a member, providing each expenditure is authorized by (a) a member of the caucus with which the previous member of the constituency sat or (b) the Clerk of the Assembly.

Now, if I understand it, even if a member signs an authorizing form for expenditure, that ultimately gets approved or disapproved through the administration in any event. The purpose of



this is to basically allow the functioning of the constituency to continue, including things like purchasing of pins and flags under the promotions allowance or issuing a householder to households within a constituency.

MR. CHAIRMAN: Okay. The letter being distributed is the one from our office to the New Democrat caucus with respect to how the constituency office will continue to be kept open by the Legislative Assembly and the lines of communications there. So that's for information.

Edmonton-Whitemud, followed by Calgary-Glenmore.

MR. WICKMAN: Mr. Chairman, I have an amendment to the motion. The amendment would delete the portion, "as if there were a member," and it would delete the (a) portion. It would then read:

During a period when a constituency has no member, the member's allowance may be expended provided each expenditure is authorized by the Clerk of the Assembly.

I think it's particularly important that in those types of situations the authorization be done by the Clerk of the Assembly because there is not a member that is ultimately accountable and responsible. We saw in the situation we dealt with today that there was a member there that was held accountable. In a situation where a constituency doesn't have a member, there isn't the ultimate person that has to accept that responsibility. I would feel more comfortable with the Clerk of the Assembly being that person. Other than that I don't have any problem with it, Mr. Chairman.

Since Gordon Wright has passed away, we've actually had a number of phone calls from residents of Edmonton-Strathcona asking for information, lapel pins, and different information like that. They have no idea as to how they should get it. I've explained as gently as I could. It imposes a problem on my particular budget. Up to now I've accommodated those people because I don't know how else to deal with it, but I think a letter informing them as to what the new practice will be within Edmonton-Strathcona is very appropriate.

MR. CHAIRMAN: All right. Speaking to the amendment, Calgary-Glenmore.

MRS. MIROSH: Mr. Chairman, I would like to speak in favour of the amendment. I know from past experience, particularly relating to Jan Koper, that following her death there was nothing done, no dollars spent that I'm aware of. Yet on the other hand, if it was left to the person running the office, the portion of the money left in there could be spent and the new member taking over could have nothing. So I think it's very important that we leave it up to the Clerk of the Assembly so that those dollars are carefully spent.

MR. CHAIRMAN: Edmonton-Highlands, on the amendment.

MS BARRETT: Well, I speak against the amendment, but I want to ask: do we not have a policy - I'm sure we do - that says that you can't be more than X percent above your monthly?

SOME HON. MEMBERS: No.

MS BARRETT: We don't? I thought we fixed that.

MR. BOGLE: We discussed it, but we didn't do anything.

MS BARRETT: We didn't do anything with that? Because I know what you're talking about. That is a problem.

MR. CHAIRMAN: In this case as Speaker I will direct the department that they keep the monthly total going.

MRS. MIROSH: Good.

MS BARRETT: Well, you can't do that on a month-to-month basis precisely. [interjection] No, hang on. I'll show you why. It's because whenever you do an MLA report, for instance, if you were at one-third of the year, suddenly it goes up. It's something that you've sort of budgeted for. So you have to be careful about that directive.

MR. BOGLE: It's general.

MS BARRETT: The reason I don't like the amendment is because . . . What I'm getting at here is that we'd want the office to function in some of the judgmental ways that it would if the member were still there, such as the providing of, you know, pins and flags and stuff like that. My greater concern is that Percy wants to strike that reference. I think that reference is critical. If you feel really strongly that, you know, a member of the caucus with which the previous member sat shouldn't have a say, fair enough. I took that from David's instructions to John, because I thought that was a very smart idea. But I really would like to defeat that section that wipes out "as if there were a member." I think that's pretty important. Usually the staff at the office know how things work, right? They know whether or not you've got enough money to accommodate a request for 75 pins or 10 pins. You know, they usually know that stuff. I think you have to give them some discretion there, subject to the approval of the Clerk.

MR. CHAIRMAN: Calgary-Foothills.

MRS. BLACK: Thank you, Mr. Chairman. I just wanted to reinforce what Dianne said. The previous Member for Calgary-Foothills passed away December 18, and there wasn't a new member elected until March 20. In that period of time it was difficult for the constituents and the constituency office. I think something like the Clerk of the Assembly being able to authorize things would have been very beneficial. I do feel that it should flow through to the Clerk because ultimately the year-end reports have to be filed with the Assembly and the constituency offices are the responsibility of not only the member but the Assembly.

So I feel quite comfortable with the amendment, and I'm pleased to see that that is taking place because I don't feel that constituency offices should be stopped in their performance of their duties to the constituents even in a time of tragedy as occurred in Calgary-Foothills and again in Edmonton-Strathcona. So I would speak in favour of the amendment. I feel confident because of going through this in Calgary-Foothills that it would give some confidence to the staff in the office if they knew they could depend upon the Clerk of the Assembly to give them guidance and direction on things as opposed to having to find another member from a caucus in their busy time schedule. So I would speak in favour of the amendment.

1:58

MR. CHAIRMAN: Is there a call for the question?

SOME HON. MEMBERS: Question.

MR. M. CLEGG: Mr. Chairman, I'd just like to state from purely a legal point of view that I believe a motion like this is probably advisable to make absolutely certain that our present policy is actually authorized because one interpretation of the Members' Services order as it's presently written is that there has been no continuing entitlement for any money to be expended after the vacancy. It says, "Every Member is entitled to a Member's Services Allowance," and then it lists constituents and all those things. We do recognize politically – when I say "we," this committee – that that money is really there for the constituency, but it's phrased as if it's the member's allowance. Therefore, I would recommend that if a motion based on this is passed, it be converted into an order which specifically authorizes the continuing payment.

MRS. MIROSH: Would you read that again, that piece of the legislative Act, is it?

MR. M. CLEGG: The constituency services order reads, "Every Member is entitled to a Member's Services Allowance to be applied to payment for the goods and services provided for in . . ."

MRS. MIROSH: But there's no member there.

MS BARRETT: That's what he's saying.

MR. M. CLEGG: So I'm saying that it's advisable that we do pass this and make it an amendment to the order.

MS BARRETT: Can I ask a question?

MR. CHAIRMAN: For information, yup.

MS BARRETT: If we pass this amendment and then the amended motion, would that mean that all of the other rules and regs applying to the expenditure of constituency office allowances would have to conform to all of the other Members' Services orders related to constituency, or would it give discretion beyond that described in all the other Members' Services orders to the Clerk?

MR. M. CLEGG: No, the way it's written . . .

MS BARRETT: No, I'm talking about the amendment. Sorry.

MR. M. CLEGG: Okay. If it were passed with the amendment striking out the words "as if there were a member" – I think those words are useful because they make it quite clear that all the limitations and authorizations from the existing order are imported into this. So to make certain that the expenditure is fully authorized and that we have a very clear set of existing guidelines, it would be my suggestion that the words "as if there were a member" could be left in. Although I think it would be implied anyway if they were taken out, or could be implied, I think it's useful to have them in there. Who authorizes the expenditures is for the committee to decide.

You might wish to put the two elements of the amendment to different questions if you wish members to be able to vote different ways on them.

MR. CHAIRMAN: Mover of the motion, you're the one who wanted to delete "as if there were a member" – plus section (a), in that (b) would now become (a).

MR. WICKMAN: That's acceptable, Mr. Chairman. The intent of the amendment is just to ensure that it's all proper and that the flexibility is still there so that those dollars can be expended for the legitimate purposes of communicating with the people in Edmonton-Strathcona.

MS BARRETT: So for clarification, then, your amendment would read, if everybody agreed, just to wipe out the entire section (a) and would see

providing each expenditure is authorized by the Clerk of the Assembly.

That would be your amendment.

MR. WICKMAN: A friendly amendment.

MRS. MIROSH: Deleting "as if there were a member."

MR. CHAIRMAN: No, that's now going to stay in.

MS BARRETT: Not deleting it. The advice is that you want to keep that in, make sure everything else is in, and just delete all of (a), which takes any caucus representation out of the decision-making. I think that's fine.

MR. CHAIRMAN: Okay, that's the understanding. Is that agreeable?

MS BARRETT: Sure.

MR. CHAIRMAN: All right. Now, call for the question?

MS BARRETT: Sure.

MR. CHAIRMAN: Those in favour, please signify. Opposed? Carried unanimously.

The motion as amended. Those in favour, please signify. Opposed? Carried. Thank you.

MR. McINNIS: Do we have to vote on whether to convert it to an order, or is that just done?

MS BARRETT: Yes.

MR. CHAIRMAN: Well, in that respect, I think I'd rather we wait till the next meeting to convert it to an order.

MR. McINNIS: Get the order and then vote.

MS BARRETT: Oh, and have an order in front of us. That's fine.

MR. HYLAND: Mr. Chairman, I'd like to move that an order be drafted if needed for submission to the committee at the next meeting.

MR. CHAIRMAN: Thank you. We have it formally moved as a motion. Call for the question.

HON. MEMBERS: Question.

MR. CHAIRMAN: Those in favour, please signify. Opposed, if any? Carried unanimously.

MR. M. CLEGG: Mr. Chairman, would the committee wish to authorize any minor interim action before the order is passed? The next meeting will not be for two and a half weeks, and I understand that the committee is wishing to remedy a present situation.

MS BARRETT: Does the motion not allow that to happen now? I think John Samoil can go to David McNeil and say, "Here's what I want to send out to every household to let them know that the office is still operating."

MR. S. DAY: That's already passed.

MS BARRETT: Wouldn't you interpret it that way?

DR. McNEIL: That would be my interpretation, yeah.

MR. CHAIRMAN: Okay. Legal interpretation is that something can proceed till we get to our next meeting, which is about a month from now.

MR. RITTER: I think on the strength of the motion for the next two and a half weeks is a reasonable . . .

MS BARRETT: It takes that long to draft anyway. Thanks.

MR. CHAIRMAN: Any other item?

MR. HYLAND: I would think with both those motions passing unanimously, obviously there's agreement.

MR. CHAIRMAN: There is a thing that needs to be clarified on the record here, because if the Clerk's office is going to have to handle it, I think we need to have some clarification. When the issue first came up, it was a notification to all constituents that the office was still open. Now, is that acceptable just as a single page or a postcard type or whatever you design that's going to say that? It's not to be a full-blown newsletter, because there is no MLA there. It's a notice going out to everybody in the constituency saying: "Hey, yes, this office is still operational."

MS BARRETT: Yeah. I'm just drafting my next report. I always identify, "If you've got problems in this area . . ." I go dot, dot, dot; you know. That would be the sort of thing: so that people understand that the office still does casework basically.

MR. CHAIRMAN: Right. So it's a very simple typed announcement?

MS BARRETT: Yup.

MR. CHAIRMAN: Okay. Thank you.

MRS. MIROSH: I have a question, Mr. Chairman, with regards to further clarification from Parliamentary Counsel about "as if there were a member," because that can be very deceiving to the public. That interpretation alone is wide open and very deceiving to the public: "as if there were a member."

MS BARRETT: Oh, Dianne, that was just for the purposes of this motion.

MRS. MIROSH: I know. I know that's what it's meant to be, but I still would like some further clarification on the challenging of "as if there were a member," because to me I could challenge you if I lived in that constituency and say, "Well, there's somebody sitting in that office as though they were a member." I'm asking for further clarification on the interpretation not from Pam Barrett but from Parliamentary Counsel on "as if there were a member" and a definition of what that in fact means.

MR. CHAIRMAN: Okay. So we'll bring that forward as well.

MR. M. CLEGG: Mr. Chairman, what I would say to that is the following. Those words I would interpret only to explain the way in which this new suborder, as it probably will be, will operate to authorize the expenditure during the time of the vacancy. I don't think it could be used in any way to imply that there is in fact a member there. It's a deeming provision to interpret this expenditure as if there were a member, not that there is a member. I don't think it could be taken outside of the context of this expenditure.

MR. CHAIRMAN: But following upon the concern as raised by Calgary-Glenmore, if both legal counsel will address that matter within this next week and put it into writing so that we have that on record for my office, then we'll bring it back to the meeting. Thank you.

MR. S. DAY: Mr. Chairman, given that we're past the scheduled hour, motion to adjourn.

MR. CHAIRMAN: Right. Indeed, the last dates we had for the next meeting were November 22, the hours 1 to 5 in the afternoon, and November 23, 9:30 a.m. to 1 in the afternoon.

MS BARRETT: On the motion, Mr. Chairman.

MR. CHAIRMAN: On the motion to adjourn?

MS BARRETT: Yeah. Is there any other information that we need to get before we adjourn now, instructions for the next meetings? I've talked to Bob about item 6(b), '91-92 budget. Are there any other instructions that we need to have given to us in preparation?

MR. CHAIRMAN: Edmonton-Jasper Place, briefly.

MR. McINNIS: The item called Greening the Hill: there are some 15 items which are flagged in the report which the Assembly should consider for implementation. I just encourage members to read those for the next meeting and pick out the ones that are directed towards us.

MR. CHAIRMAN: Thank you. Additional information? Comments? Thank you.

The Chair now recognizes the Member for Red Deer-North who was about to make a motion.

MS BARRETT: Well, he did make it.

---

MR. CHAIRMAN: Well, for the mechanics of the system I'm now recognizing . . .

MR. CHAIRMAN: Thank you. All those in favour, please signify. Opposed? Carried. Thank you all.

MR. S. DAY: Motion to adjourn.

[The committee adjourned at 2:08 p.m.]

