

3:05 p.m.

Wednesday, February 20, 1991

[Chairman: Dr. Carter]

MR. CHAIRMAN: All right, ladies and gentlemen, we have a quorum. Ladies and gentlemen, just a reminder that when we do break from time to time, as is our habit for a variety of reasons, any sensitive material you might have that belongs to you personally or otherwise as a committee should be turned face down on the table. We seem to have lapsed into a practice of everybody sort of wandering around the room at will on the break. That's fine if that's your choice, but if you do have anything of a personal nature, perhaps you'd like to keep an eye on it.

Okay. One of the great thrills of life for all of us is to have Members' Services Committee meetings.

MS BARRETT: The shorter the better, right?

MR. CHAIRMAN: Oh, yes. Indeed.

Now, yesterday we had just completed giving approval to section 2, MLA Administration. So we're about to deal with section 3, House Services, and then later on when we get through all this, we have some revised sheets for distribution. So, House Services Clerk, if you'd like to take us through there. May I say out loud that it's minus 3.5 percent. Carry on, Clerk. Are we going to have the first question or the overview, or are you all set to go?

MRS. BLACK: Mr. Chairman, I'd like to make a motion that we move in camera.

MR. CHAIRMAN: Thank you. There's no discussion on a motion to go in camera. Those in favour, please signify.

MR. WICKMAN: No.

MR. CHAIRMAN: There's no discussion of a motion to go in camera.

MR. WICKMAN: Well, could I ask why?

MR. CHAIRMAN: Sorry, hon. member, it's the procedure clearly in *Beauchesne*. If you go in, I suppose then you can ask.

There's a call for the question on the motion. Those in favour, please signify. Opposed? Thank you. The majority has it. We're now in camera.

[The committee met in camera from 3:08 p.m. to 5:28 p.m.]

MR. CHAIRMAN: All right, ladies and gentlemen; the committee's back to order dealing with the budget items. My understanding is that first is the budget with regard to section 3, and section 3 is indeed House Services. Motion by Edmonton-Highlands to adopt the budget as proposed?

MS BARRETT: Yup.

MR. CHAIRMAN: Call for the question, or discussion?

MRS. BLACK: Question.

MR. CHAIRMAN: Question. All those in favour of the motion to deal with that, please signify. Opposed? Hon.

members, you remember that as in the Assembly all members must vote. I'll call for the question again, please. All those in favour of the adoption of the budget for House Services, please signify. Thank you. Opposed? Thank you. One opposed. The matter carries.

What is your pleasure with respect to number 4, Speaker's Office? I won't ask you what your real pleasure is about shooting the Speaker.

Calgary-Foothills.

MRS. BLACK: I move the budget be accepted as presented.

MR. CHAIRMAN: Thank you. Question?

MS BARRETT: Yeah, question.

MR. CHAIRMAN: Thank you. Those in favour, please signify. Opposed? Carried unanimously, says he with a sigh of relief.

Sections 6, 7, and 8 have been dealt with.

Section 9, with regard to Legislative Interns.

MR. McINNIS: Yes, Mr. Chairman. I would like to move an amendment to restore the program to previous year's funding, \$94,014.

MS BARRETT: Zero 13.

MR. McINNIS: No, 14.

MS BARRETT: No. Check. Zero 13.

I move a subamendment.

MR. McINNIS: Well, the cover sheet says 14.

MS BARRETT: Oh, does it?

MR. McINNIS: I think it probably is a mathematical situation due to computer rounding. I think we'll round it off at 14, if that's okay with you.

MS BARRETT: Okay.

MR. BOGLE: You're so persuasive, John.

MR. McINNIS: I think that extra buck could really make a difference.

MR. CHAIRMAN: So the intent of the motion, then, will be to allow this at its present condition.

MR. BOGLE: That's right.

MR. CHAIRMAN: Edmonton-Whitemud.

MR. WICKMAN: I'd just like to speak to it very briefly, Mr. Chairman. This is an amendment that I would ask that all members of the committee support. I think it's extremely important that the intern program function as it has functioned in the past. It's not only of benefit to the various caucuses, but I think more importantly of the benefit and the experience for those individuals that participate in it. I've got nothing but good things to say about the participation within our caucus of those that have been part of the intern program.

MS BARRETT: Not to mention a graduate of it.

HON. MEMBERS: Question.

MR. CHAIRMAN: Call for the question with respect to the interns. Those in favour, please signify. Opposed? Thank you. Carried, with one opposing.

The next section, *Alberta Hansard*, has already been given approval.

The section after that is Legislature Library, and to fulfill a technical matter, the Clerk must officially table some information.

DR. McNEIL: I'm pleased to table this document for the Legislature Librarian.

MR. CHAIRMAN: For members, that's information related to the question which arose last time dealing with a net reduction of \$3,648 and also a matter dealing with associate membership in the Conference Board of Canada. Okay?

MS BARRETT: Yeah. I'll move the adoption of that budget as presented and subsequently amended. In so doing, I think it's important to mention that it may be available for the library to save a bit of money if we can get a better co-ordination of the subscription to the Conference Board of Canada, which will be pursued. So good work for them.

HON. MEMBERS: Question.

MR. CHAIRMAN: Call for the question. Those in favour of the library budget, please signify. Opposed? Carried. Thank you.

The Information Systems section was passed earlier.

The new item is item 13, Visitor Services. It was mentioned at our meetings in January that the bulk of this operation, thanks to the kindness and generosity of the Minister of Public Works, Supply and Services, would be transferred to the office of the Legislative Assembly effective April 1.

The Member for Cypress-Redcliff.

MR. HYLAND: Mr. Chairman, I would move that we accept the budget of Visitor Services as presented. I note that in the figures we were given today, I think there were some 80,000 visitors that went through this building last year, of which 43,000 were adults and 37,000 were children.

MR. CHAIRMAN: Thank you.

MRS. BLACK: Question.

MR. CHAIRMAN: All those in favour of the motion with respect to the Visitor Services budget? Opposed? Carried unanimously.

The last section there, Electoral Boundaries Commission. This legislated entity has commenced work and is being housed in the Annex. They've started their work, and we have this budget before us. What is your wish? Taber-Warner.

MR. BOGLE: I'll move the budget be accepted as presented.

MR. CHAIRMAN: Thank you. Discussion?

MRS. BLACK: Question.

MR. McINNIS: Just one. The sum is not included in the bottom line total for the Assembly budget.

MS BARRETT: It must be on page 2.

MR. McINNIS: I know it's on page 2, but the total figure is on page 1. Is that included in the total?

DR. McNEIL: No, it is not.

MR. McINNIS: It's not. Thank you.

MR. CHAIRMAN: The printing was done in that fashion so that it would be apparent to all and sundry that indeed it's a separate entity because it enjoys a shorter life span. Okay?

Call for the question with regard to section 14?

MS BARRETT: Yup.

MR. McINNIS: Question.

MR. CHAIRMAN: All those in favour? Opposed? Carried unanimously. There's no need to have an omnibus motion. We've passed it all element by element, so it's in place.

MS BARRETT: Agreed.

MR. HYLAND: Mr. Chairman, in reality we have a 2.1 percent increase in our budget, and that includes adding one more service division.

MS BARRETT: Oh. That never occurred to me.

MR. HYLAND: So if that division hadn't been added, it would be maybe zero.

MS BARRETT: Probably a reduction.

MR. CHAIRMAN: The best way to describe it is as a hold-the-line budget in spite of picking up another section. The reason for the hesitancy is that we need to feed those last minor adjustments through the computer tonight.

DR. McNEIL: Yeah. The intern adjustment is not reflected in that 2.1, but that's not a lot of money.

MS BARRETT: It would still mean an overall reduction.

MR. CHAIRMAN: So the overall position is basically zero. Edmonton-Whitemud.

MR. WICKMAN: Mr. Chairman, to tidy up the budget here, I'm going to move MSC Order 1/91, which allows the postage portion of communication to increase from .85 to .88. Maybe the Leg. Clerk could give an indication as to what the impact would be on a constituency budget.

DR. McNEIL: The formula depends on the number of electors in the particular constituency. What it means is that it would add 3 cents for two mailings.

MS BARRETT: It means you can do the same number of mailings as you did before.

MR. HYLAND: Which is 6 cents per elector.

MR. CHAIRMAN: So now you can pay for it instead of charging it to us.

DR. McNEIL: It's such a variable figure because of the difference in the number of electors in each constituency that I can't give you an average figure.

MR. CHAIRMAN: That's all been accounted for within the budget projection as well. The effective date is April 1 of '91. All right. Is there a call for the question?

HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour of this Members' Services order, please signify. Opposed, if any? Carried unanimously. Thank you.

In celebration thereof, the Chair declares a five minute break. We will be back here at quarter to 6.

[The committee adjourned from 5:38 p.m. to 5:45 p.m.]

MR. CHAIRMAN: Okay, ladies and gentlemen, it's time to roll again. If you'd like to refer back to your Members' Services Committee book, just to double-check there, we've dealt with items 4(a), (b), (c), (d), and now (e). My understanding was that this was to come back today.

MS BARRETT: Item (f) was to come back?

MR. CHAIRMAN: Item (f) was to come back today.

MR. WICKMAN: Have you dealt with (e)?

MR. CHAIRMAN: Yeah.

MR. WICKMAN: Okay. Mr. Chairman, I'll move that item 4(f) be raised from the table. Is that necessary?

MS BARRETT: Nope. Because it was tabled yesterday, it's on the agenda today. It gets called.

MR. WICKMAN: Okay. Speaking to it from the point of view of the subcommittee, Mr. Chairman, I handed out the documentation on two different reports yesterday: one dealing with the constituency mailouts, the other dealing with the mechanism of appeal in the various jurisdictions throughout Canada, including the House of Commons. After going through the information, I don't feel that we have to do any more than we're doing at the present time. That falls in line very closely with the other jurisdictions. There's almost a self-policing type of system. I would just find it so difficult to try and establish specific guidelines as to what's proper and what's improper. In the House of Commons if it's challenged by one member, then the Speaker of the House becomes involved, but the question of having to submit ads ahead of time and that type of thing doesn't apply in most jurisdictions.

I'm looking forward to hearing the comments of other members.

MR. CHAIRMAN: Thank you. Did the subcommittee meet?

MR. WICKMAN: We met yesterday and discussed it, and I distributed the material. We didn't come forward with any specific recommendation. I was voicing a personal opinion.

MR. CHAIRMAN: Right. Whatever. I think I get the gist of that.

Taber-Warner.

MR. BOGLE: Well, for the record, Mr. Chairman, the committee Percy is referring to is the four-member committee with, in addition to Percy, John, Dianne, and myself. Percy's correct in that he distributed the material yesterday. We did not discuss it. The material was also distributed to all members of the committee yesterday, but it seems to me highly inappropriate to move ahead with the suggestion that we adopt any recommendations until the four-member committee has an opportunity to go back, look at it in depth, and decide whether there's a consensus among ourselves. If indeed there is, that comes back to the table. If there is not, then members are free to put whatever motion forward they wish.

MS BARRETT: You get a "w" for wily on that one.

MR. WICKMAN: I'm agreeing with Bob in that I don't see a need for any recommendations.

MS BARRETT: So, what are you saying there, Bob Bogle? Put it back to the subcommittee?

MR. BOGLE: Table it and refer it back to the subcommittee, Mr. Chairman.

MR. CHAIRMAN: There's a refreshing approach. Those in favour of the tabling motion, please signify.

MS BARRETT: I'm prepared to table this one forever.

MR. CHAIRMAN: Opposed? Carried. Thank you. Item (f) is tabled.

Item (g), Security Mechanism for Constituency Offices, Mr. Wickman.

MR. WICKMAN: Mr. Chairman, we didn't discuss this one.

MS BARRETT: But didn't you say you had a report?

MR. CHAIRMAN: Yes. The Sergeant-at-Arms and I had a brief meeting yesterday morning. He had really only then taken possession of a letter which showed that there were some possibilities for what appeared to be a useful means of security for constituency offices that would deal not only with matters of forceable entry or threatening individuals or fire but also other kinds of information. To buy the parts for this was about \$200 per office, and at that time in the initial discussions there might have been some possibility of finding help with some of the installation through the good graces of Public Works, Supply and Services. Failing that, having had the \$200 hardware cost, it gives us a chance now to get on to the next stage to also develop what the installation fee would be. So the Sergeant-at-Arms and I discussed the matter, that he would then get hold of you, Edmonton-Whitemud, and whoever else was on this subcommittee to deal with this particular issue. There's a possibility that

there's some room within this year's budget to be able to proceed in this area.

MR. WICKMAN: I assume the membership of this subcommittee is the same as the membership of the other subcommittee: Bob, Dianne, and John.

MR. McINNIS: It is, in fact, the same subcommittee that it stands referred to at the moment.

MR. CHAIRMAN: All righty. It's going to the subcommittee plus the Sergeant-at-Arms. That's what we're agreeing to do. That's Edmonton-Whitemud, plus Taber-Warner, Calgary-Glenmore, and Edmonton-Jasper Place. We will make arrangements for you to have that.

Just quickly:

1. relatively inexpensive
2. [can] use existing telephone lines for signal transmission
3. can handle up to eight different alarms or zones
4. can be easily programmed by the Sergeant-at-Arms for central control of the entire program . . .
6. all constituency office alarms can report to our control centre on a "no cost" basis.

MS BARRETT: Oscar goes high tech.

MR. CHAIRMAN: It also, then, means that it's controlled by the Sergeant-at-Arms in the Assembly, that it's not having to be dealt with through a local police department, which is essential for the parliamentary position.

MR. HYLAND: The only part I don't know about is that Oscar going high tech is like me trying to run a computer. I'm a little worried about that portion of it.

MR. McINNIS: Would you like that stricken from the record?

MS BARRETT: That's right. He said jokingly: dot, dot, dot.

MR. CHAIRMAN: In our line of work we believe all things are possible.

The next item is 4(h), Security and Internal Control of Computer Systems. This was an issue by the Member for Calgary-Foothills and also spoken to by the Member for Edmonton-Highlands. I understand that they met with Bill Gano. Perhaps both members would care to comment.

MRS. BLACK: Mr. Chairman, we did meet with Mr. Gano in his offices a week ago Monday - I believe it was February 11 - and we went through some of the concerns that we had discussed in the meeting. We determined the control concerns that I had. We were able to look at some of the changes he had made to the system, and we made some recommendations to him that he is prepared to adopt, one of them being that while the staff in the Legislature Building itself has the ability to compare notes if they run into problems or snags within the system, the staff within the constituency offices are somewhat left on their own.

We've decided to put together what I call a very simple, basic user binder for each constituency office. It's just xeroxing a page which will show each screen of the system that comes up. It's called screen printing, and it has all the codes that pertain to that particular screen. They would take a copy and in layman's plain English describe what each of those codes means. Then there will be space at the bottom of the page for the

individual user to make notes as to how they will utilize the system.

5:55

One thing we did discover in the problem with, say, accessing a full file system which encompasses all users, all caucuses and all constituency offices, is that there was a code called "host." If you didn't know what "host" meant, you wouldn't know to go to "host" for that control. This is what prompted us to put together a simple binder for the user, particularly with emphasis for the constituency office. It should help them in going through the software.

The other thing that we did determine: the system has the capabilities for an additional control so that when, say, a constituency secretary is dialing into the Legislature to communicate with them, there's a process called dial-back. It's available on the system, and he has agreed to put it in place so that when the secretary dials to the Legislature, she will then be cut off and the receiving end will automatically dial back so that the connection is made and it's not going to an outside location. So there will be security within that system of calling back and forth. I think that will resolve a great number of our concerns over security of the system between the constituency office and the actual Legislature.

The other thing he is doing is making a change in the software on the file server, and that's in process now. I think, all in all, that our meeting was successful, and we left feeling a lot more confident that just those little added pieces of control and user guides would be available to our staff. It gave us a sense of comfort, in essence.

MS BARRETT: Supplementary then. I didn't have some of the concerns that Pat had, but it was really a very useful meeting. Remember, the other thing that had come up from you, Pat, was the fax machine issue. So when Bill develops this little manual, and it sounds like it's going to be really good, he's also going to remind people that, you know, if you're not using an automatic dial system when you're faxing out, check your number. It shows up on the screen on the fax machine, so there will be just that reminder, as well, to caution people about security of faxing.

MRS. BLACK: And that that added control of a printout on your fax can be purchased if you're buying a fax for your constituency office. You can buy that.

MS BARRETT: Good. So all problems solved.

MR. CHAIRMAN: Good. Thank you very much.

The next item, Parliamentary Counsel: the report on the gasoline receipt licence number matter with the Auditor General, please.

MR. RITTER: Very quickly, Mr. Chairman. I spoke with the Auditor General yesterday, and he explained that there is no guideline or regulation, administrative or otherwise, with respect to which licence number should be filled out on a credit card receipt for an MLA purchasing gas. When pressed, he finally admitted that that was up to the Members' Services Committee to implement, but if he had his druthers, he would like to see the licence plate of the car actually being filled on the credit card receipt.

MS BARRETT: That conforms to what we passed.

MR. CHAIRMAN: That conforms to what the committee has directed.

MR. RITTER: Correct.

MR. CHAIRMAN: Well, thank you for double-checking with the Auditor General.

All right; the next item is Report on Conference Registration Fee Suggestion. At the meeting in January this was one of the issues that committee members raised: when we go to these various conferences, in some cases we do indeed pay conference fees and in others we don't. When I was at the meeting in Halifax, I raised the matter with Speakers, Deputy Speakers, Deputy Chairmen of Committees, and Clerks, and I was very interested that all of them said categorically no. I was interested in particular that it was provinces such as Nova Scotia and Newfoundland, who have far fewer resources than we, who said no, that when they host conferences, they prefer that they're going to do the hosting, that they appreciate the offer from Alberta, but that the decision of that whole group was, "Thanks but no thanks." Okay?

MS BARRETT: Yup.

MR. CHAIRMAN: I would point out, though, that at the same meeting I was able to introduce some fiscal responsibility that I've been trying to get them to do for the past five years. They finally agreed that when the Clerks meet for their annual conference, starting in 1992, they will no longer have separate conferences for the Canadian Parliamentary regional. They will be concurrent, and this means that instead of them having their meeting for a week in, say, Toronto and then the following week it bounces into Victoria for the conference of the Parliamentary Association, now they will meet for two, maximum three, days instead of five days, and they will meet just prior to the CPA regional taking place. This is going to save a considerable number of dollars across the country, and it only took me five years to finally convince my colleagues to bring it into effect.

All right, under New Business I have two items listed.

DR. ELLIOTT: Mr. Chairman.

MR. CHAIRMAN: Yes, sir.

DR. ELLIOTT: On the topic (j), while we're on this business of conferences, I'd like to make a statement for the record here that we've noted your procedures with respect to the selection of participants from the Legislature to attend various conferences, for various reasons, that belong in your particular jurisdiction, and I just want to tell you that we recognize the fairness and the sincerity with which you are delegating these people to attend these various conferences. I just wanted to say thank you.

MR. CHAIRMAN: Thank you.

New Business. We have two items. The first is correspondence being brought to us by the Member for Edmonton-Jasper Place, and the second item is proposed by the Member for Barrhead.

MR. McINNIS: Do you have copies? Oh, okay, I've got these.

MR. CHAIRMAN: Okay. Perhaps you can do the circulating.

MR. McINNIS: Robert is passing around a letter which I sent to the Speaker on February 15 requesting that some correspondence from the Member for Calgary-Shaw, the Hon. Jim Dinning, be placed before the committee. The correspondence is a handwritten note, "Dear Friends," thanking 500 people who responded to a survey in Calgary-Shaw. Now, this could be a very brief item. From the context it occurred to me that it was possible that the survey involved was in fact . . .

MR. CHAIRMAN: Excuse me just half a moment. I'm getting some flutters down here.

MR. HYLAND: Normally before when we've dealt with these, I think in the other instance, we've had the party here. I know Jim is on standby expecting to be called.

MR. McINNIS: Oh, okay. That's fine with me. There's just one question that may perhaps obviate the whole thing. It seems to me that this was probably, by the context, a constituency newsletter paid for from constituency funds. If it's not, then I think it's none of the committee's business, but if it is, then perhaps it is. So can we have an answer to that first?

MR. CHAIRMAN: The Clerk isn't here, and Kathy's the one who did it.

MS BARRETT: Here he is.

MR. CHAIRMAN: David, is it your understanding that the questionnaire that was put out by the Member for Calgary-Shaw was part of a newsletter to constituents?

DR. McNEIL: That's my understanding.

MR. McINNIS: In that case, I suggest, then, that Mr. Dinning be summoned, because I have a motion.

MR. CHAIRMAN: Well, I think we would request him to appear. I don't think we'll summon him.

MR. McINNIS: My apologies for the choice.

MR. CHAIRMAN: Just nuances, subtle nuances.

All right; thank you. The committee is adjourned.

[The committee adjourned from 6:03 p.m. to 6:07 p.m.]

MR. CHAIRMAN: All right, ladies and gentlemen. Let's come on back to the business at hand. One of the first things here: now that we're back in formal session, the Chair needs to apologize for being out of order yesterday with respect to following our own Standing Orders. The mover of motions gets to speak in summation after debate but not people who make amendments. Yesterday in the spirit of something or other the Chair was allowing in particular Edmonton-Highlands, as one, to sum up on an amendment. I just wanted to let you know that I had been out of order. I apologize, and hopefully it won't happen in future.

HON. MEMBERS: Agreed.

MS BARRETT: Or else.

MR. S. DAY: On that point, Mr. Chairman, so we don't run the risk of you having made a partisan decision, you also allowed the same in my case.

MS BARRETT: And you're going to shake your finger too.

MR. S. DAY: We'll hope that tragedy doesn't happen again.

MR. CHAIRMAN: I wouldn't want us to adopt loose habits for when we go back in the House.

The other thing is that with regard to the other items on our agenda, I think we will allow everyone the right to speak once so that we're not here beyond 4 o'clock in the morning.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you, hon. members.

The Member for Edmonton-Jasper Place, and thank you, Mr. Dinning, for attending upon this group.

MR. McINNIS: Thank you, Mr. Chairman. Well, having been advised that the newsletter in question – polling on the performance of a number of individuals, including the member of the Assembly for Stettler, who is also the Premier – was paid for by taxpayers' funds, I'd like to move the following motion.

Be it resolved that the Member for Calgary-Shaw be requested to finance polling and reporting to constituents on the political performance of colleague members of the Assembly from a source other than taxpayers' funds.

I've distributed a copy of the motion. I hope everyone has one, but I have a couple of extras if need be.

If I may just speak briefly to the motion. Our Members' Services order guidelines dealing with constituency newsletters are fairly simple and direct. They state that an item may be paid for

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.

Now, you might think that to be a simple and straightforward construction, but in fact nothing is as simple as it seems, and this is no exception. Back on October 30 of this year the committee made a ruling taking exception to a newsletter from a colleague of mine in the Legislative Assembly, the Member for Edmonton-Mill Woods, which had the character of polling constituents regarding a public policy issue which arose from the political performance of another member of the Assembly; in that case, the Member for Redwater-Andrew.

I think it might be beneficial for the members just to go through very briefly what happened on that occasion. There was an initial ruling by the Acting Clerk of the Assembly in August which ruled that the item in question may be perceived as "politically motivated and personally damaging to Mr. Zarusky," which ruling was appealed to this committee by the Member for Edmonton-Mill Woods. Now, the committee heard the appeal and voted not to support the appeal, which is to say that the ruling stands. So that's essentially the ruling we have to work with.

I have to declare at this point that I was not a supporter of that ruling at that point in time, but I don't think that's the issue. Being a member of this committee, I feel bound to uphold the decisions that it makes and certainly to ensure that they are applied in an evenhanded fashion to all of the members of the Assembly. I would also remind committee members that the question on the item from Edmonton-Mill Woods asked

about the need for legislation, specifically tougher conflict of interest legislation.

Now, I'm sure there are those who will say that this has very little to do with politics, that it's a question of the term "scandal" being used or the words "Zarusky scandal" that were in the preamble to the question being politically motivated and personally damaging to another member, and that clearly is political language. No one denies that. I think there were those of us who cautioned this committee against making a ruling based on ad hoc criteria, those which were not laid down in the criteria.

However, what we have here is a question that deals with something that is certainly a political item; that is to say, the leadership of the majority party in the Legislative Assembly. I don't think there's anything more political than that. In fact, it may be an issue, may not be an issue. I don't think it's up to this committee to decide how that issue will go, but I do feel very strongly that the issue of the leadership of the Progressive Conservative Party is not one which should be decided or even substantially influenced at the taxpayers' expense. I think that's where we have to take our stance on this. This is obviously tied up in history and the way these things go. I mean, I don't recall that Dalton Camp ever used taxpayers' money where Mr. Diefenbaker was concerned or, for that matter, the present Prime Minister vis-à-vis a prior leader of the Conservative Party. I think what we have to do is draw a line around this sort of thing even at this early stage, appreciating that there is no campaign or nothing that you would call an issue.

I think there is striking similarity in the two cases, especially given the wording of the ruling, which is that the offence was that the material was "politically motivated and personally damaging" to another member. I don't pretend to know the member's motives at all, so I don't want to comment on that, but I think that the content could indeed be perceived as personally damaging to another member of the Assembly. So the ruling applies.

There was another element that was introduced at the eleventh hour, and that was the possibility of defamation and slander. However, I find in very carefully reviewing both the transcript and the record of the committee that that is not in fact a part of the ruling that this committee had to deal with. This committee dealt with the ruling on the language, "politically motivated and personally damaging." So that's essentially the jurisprudence that's in front of us, and that's what I think we have to apply in this case. That's why I've moved that the Assembly request the member to finance this type of polling from a source other than taxpayers' funds.

MR. CHAIRMAN: The Member for Calgary-Shaw, followed by legal counsel, and then the floor is open.

MR. DINNING: Thank you, Mr. Chairman. As a Member of the Legislative Assembly for Calgary-Shaw I do my best, as does each of us, to communicate with constituents honestly, openly, and regularly through town hall meetings, newsletters, attendance at events, and in a variety of other ways. On a regular basis I've made it a custom, a habit, of surveying my people that I represent, and in the past I've asked them questions on matters that relate to everything from the government's priorities to education, environment, economic development. It runs the gamut of issues that are related to government activities. I have always made it a habit to release those results, because once constituents have had an opportunity to express their views, I believe it's important that I tell them the message that they've

sent to me and acknowledge that I've received that message. In the case of the most recent survey, it was done in September/October 1990 and asked at that time a number of questions related to the environment, government priorities, student tuition fees, and a series of questions on how constituents would assess schools, governments, and individuals associated with government in Canada. Those results were released in a subsequent Christmas newsletter that was delivered to homes in the constituency.

I wanted to provide that as background, Mr. Chairman, as to my activities, similar to some of yours, in communicating with constituents. But given the concern raised by the member of the opposition, I want to make one thing very, very clear: my actions in seeking the advice and the views of the people of Calgary-Shaw are not meant and were never intended to reflect unfavourably on a Member of the Legislative Assembly, on any Members of the Legislative Assembly, on the Legislative Assembly itself, and least of all on Premier Getty, whom I fully support.

6:17

MR. CHAIRMAN: Thank you.  
Parliamentary Counsel.

MR. RITTER: Mr. Chairman, a few days ago you asked me to submit a legal opinion after examining these documents. I'll just reiterate what I said in that opinion, that I looked at the constituency services order, sections 3(1) and 3(2), which details what the communication allowance may be used for. If we're looking at the issue of merely sending out a questionnaire to one's constituents, it would certainly seem to be within the realm of an allowable expense to use one's communication allowance for. So in that respect, merely attaching a questionnaire to one's constituency newsletter would seem to be permissible.

My recollection of Mr. Gibeault's case was that the Members' Services Committee made an interpretation of section 3(2) and defined the political content prohibition in the constituency services order as applicable to Mr. Gibeault's newsletter. In other words, they took the objection to the actual wording used in the questions, which they felt had a number of presuppositions and made a number of conclusions about a particular set of facts as they applied against the Member for Redwater-Andrew in the question itself. It was my understanding that it was the content of the questions that the Members' Services Committee ruled on and interpreted that clause as being applicable to, as not allowing the expense. In fact, it wasn't the actual actions of the Members' Services Committee, also, to reprimand and fine the member; it was an administrative decision not to allow an expenditure of the communication allowance for that particular publication.

MR. CHAIRMAN: Thank you.  
Taber-Warner.

MR. BOGLE: Thanks, Mr. Chairman. The hon. Member for Edmonton-Jasper Place, who has brought the motion forward, has gone to some length to draw a parallel between the actions of the members for Calgary-Shaw and Edmonton-Mill Woods. Could we refresh our memories, please? Could we have the actual statement in Edmonton-Mill Woods' questionnaire read?

MR. McINNIS: I believe I have it. I'm quoting from a memo from Blake McDougall, August 8, in which he quotes the questionnaire.

In light of the controversy and scandal involving government MLA Steve Zarusky, do you support tougher conflict-of-interest rules for MLAs?

MR. BOGLE: Thank you. Now, take that statement, Mr. Chairman, and the statement in question in Jim's questionnaire, "please rate your satisfaction with the following," and it lists 11 points, four of the 11 relating to leaders at all three levels of government. I also take note that in Jim's comments today he said he never meant to reflect unfavourably on members of the Assembly, and I accept that. I suggest to the mover of the motion that if he cannot see the difference between the two questionnaires, then I think he should reflect more carefully on it, because there's a very vast difference. One does reflect significantly on a member of the Assembly; the other does not. Therefore, I urge members to defeat the motion.

MR. CHAIRMAN: Additional speakers to the motion? Thank you.  
Edmonton-Whitemud.

MR. WICKMAN: Mr. Chairman, a couple of questions, first of all. I'm trying to recall exactly what happened with the Member for Edmonton-Mill Woods. Was he required by a motion of this body to pay the full cost, or was it a proportionate cost?

DR. McNEIL: It was the full cost of that particular newsletter.

MR. WICKMAN: Could I ask, Mr. Chairman, in this particular case, the intent of the mover? Again, is it the full cost that is being implied in his particular resolution?

MR. CHAIRMAN: Yes.

MR. WICKMAN: The difficulty that I have with it, Mr. Chairman, is that I didn't support the motion that was put forward – and I don't recall who put the motion forward – requiring the Member for Edmonton-Mill Woods to pay that out of his own pocket.

MR. McINNIS: Just for clarification, Percy, the motion was one you put forward to sustain his appeal, which was defeated.

MR. WICKMAN: Yeah. That was defeated. Okay. Let's put it the other way, Mr. Chairman. I supported the Member for Edmonton-Mill Woods as having the right to communicate the type of communication he was attempting. The difficulty here: I don't have any problems with what Mr. Dinning has done from a political point of view, but if this committee is going to be consistent in its ruling, I don't see how it can possibly rule any other way than to support what the member from west Jasper Place is stating. [interjection] Well, Dianne, you can laugh, but consistency . . .

MS BARRETT: No; it was the title. It's not west Jasper Place.

MR. WICKMAN: Jasper Place; I'm sorry.

You can laugh, but when we talk in terms of being consistent, what applies to one member that comes before this committee has to apply to another member.

MR. CHAIRMAN: Thank you, hon. member. I believe the laughter was because of the misidentification of the constituency, not because of the point you were making.

MR. McINNIS: I represent all parts the best I can.

MR. CHAIRMAN: And south of the river, too, into his?

MR. McINNIS: All parts of Jasper Place.

MR. CHAIRMAN: Calgary-Foothills.

MRS. BLACK: Mr. Chairman, I'd like to also go back a little bit. At that same meeting where Mr. Gibeault appeared before our committee, I believe that Mr. Zarusky also appeared before our committee. He had run an article in a local paper, I believe it was, that he was also required to pay for out of his own funds. So I think there has been consistency when dealing with something like that, Percy, where Mr. Gibeault and Mr. Zarusky were both reminded of the position of hon. members.

I agree with the Member for Taber-Warner when I read the statement again, and I'm glad the Member for Edmonton-Jasper Place brought the letter along. If you read the intro to the question in Mr. Gibeault's questionnaire and you read the intro to Mr. Dinning's questionnaire, I think there's a substantial difference as to what type of an answer either member is looking for. I wonder if the thing would have been as profiled if the numbers had been somewhat different and had not been a high press item for a week, if there would have been a concern.

Now, when you talk about "in light of [a recent] controversy and scandal involving government MLA" so and so, I think that's a tremendously different lead-in than "please rate your satisfaction with the following," and you include your school and school board and Fish Creek provincial park and all these things. I don't think you can really compare the two. If Mr. Dinning had put "in light of the recent controversy and scandal over satisfaction with," then I'd say there's something comparable. But when you say, "please rate your satisfaction," your numbers could have been going all over the place and all differently reported. I don't know that there would be any question. But he didn't put "in the recent controversy and scandal involving"; he just said, "Please rate your satisfaction." I don't know that there is any similarity at all. I do think there was a concern with Mr. Zarusky's situation and Mr. Gibeault's situation, which we dealt with. I don't see that at all.

6:27

MR. WICKMAN: On a point of order, Mr. Chairman.

MR. CHAIRMAN: Let's see. What standing order?

MR. WICKMAN: Well, at this committee, Mr. Chairman, we don't . . .

MR. CHAIRMAN: No, hon. member. I stated at the beginning of this that we were going to have to do this. You get to speak once. Is this a . . .

MR. WICKMAN: Well, the point of order is that there was some misinformation given in that the member she was referring to was not required to pay for that ad. That member voluntarily withdrew his appeal.

MR. CHAIRMAN: All right. Thank you for the point of information.

MRS. BLACK: I stand corrected.

MR. CHAIRMAN: Additional members? Thank you, Edmonton-Highlands.

MS BARRETT: Yeah, I was going to point that out actually, that that information was tabled. I mean, I don't know how common it is to use constituency budget money to buy an ad that looks like a newspaper article that runs on the front page of a newspaper, but the fact of the matter is that the issue did not come to discussion here. Someone circulated something and Zarusky got up and left, as I recall. So I do think that's irrelevant.

I wonder if we're not missing a deeper point here, and that is - okay, Bob and Pat have said, "Well, just hang on, you know; the other one used really value-laden language." That's the essence of the argument that's being made here. I would not argue that talking about something as a controversy or a scandal when those words appear in news reports day after day is using value-laden language. But that's a different issue, and we're not going to fight that one again. What I would suggest we do is ask ourselves this, and I think this will give you the answer you're looking for: when you do an MLA report, where do you draw the line at asking about the performance of other MLAs? We've got Don Getty's performance as Premier as one of the questions, right? Now, if it had been Pat Black's performance as a neighbouring MLA, or Dianne's, or maybe all of them, would you object then? Chances are pretty good that you would. You'd say that this is extraneous to the work being done by the MLA whose budget is sponsoring this report.

Now, if you don't buy that argument, you must at least buy this. The politicians that are subject to a performance rating - with the exception of civic, which doesn't vote on party lines. The political question here relates to provincial government, federal government, Jim Dinning, Don Getty, Brian Mulroney. It doesn't take anything beyond a kindergarten student to answer the following question: what do those five items have in common? There is one thing that binds all five, and that is membership in the same political party. So even if you were to say, "No, I wouldn't mind if my neighbouring MLA ran a poll on my performance versus hers or his out of that constituency budget" - and I may have to put it to the test ultimately; I might do it to see what principle is really being contemplated here, folks - then you must at least acknowledge that there is the indication that some type of party poll was being conducted, and I would argue on that basis.

If the motion is defeated, then I think we all have to go back to square one in a very unbiased way to get either no guidelines firmly established or very, very specific guidelines. I hope it would not be the latter. I've argued this many times. I know I hear government members in the House saying, "Rules, rules, rules; you don't want too many of them," and I agree, because in the long run, folks, you know what happens when you've got a lot of rules? They become a lot of rope that becomes a lot of noose.

MR. CHAIRMAN: Thank you.

The Member for Barrhead, followed by Red Deer-North.

MR. KOWALSKI: Mr. Chairman, thank you very much. I recall the discussion with respect to the matter raised several months ago affecting both Mr. Gibeault and Mr. Zarusky. I've also listened very carefully to the interpretation of what we have before us today by the Law Clerk of the Legislative Assembly. It would seem to me in listening to the analysis or the evaluation provided by the Law Clerk that in essence the decision that was



reached by the Members' Services Committee a number of months ago had to do essentially with the language that was employed and the language that was used with respect to statements made by an hon. Member of the Legislative Assembly with respect to another hon. Member of the Legislative Assembly. This committee viewed certain words and such language to be inappropriate, at least to be used in documentation or something that was published and paid for by the public of the province of Alberta.

What we have today, I guess, by way of the motion raised by Mr. McInnis, is a matter dealing not with language but the reference to one hon. Member of the Legislative Assembly – or in this case at least two of them – with respect to this, and there's a linkage that's being attempted with these two issues. In listening to what the Law Clerk had indicated, I have great difficulty in trying to ascertain in my own mind the linkage between the two of them. We cannot, of course, impute any motivation put forward by anybody, and certainly I'm sure that Mr. McInnis is very honourable about raising this matter today and is not imputing any motives with respect to any of this. I just have great difficulty in attempting to understand the linkage between the two of them.

Basically what we do is come down to a situation where one hon. Member of the Legislative Assembly has taken the initiative, I guess, to ask of his constituents a series of questions. In my view, I think it's unfortunate that one member would want to raise and have a questionnaire with respect to another member, but I guess it's also true, as stated by the Member for Edmonton-Highlands, that we don't have any rules governing any of this. It may very well be that after this matter is dealt with, we might want to consider that at a subsequent meeting of Members' Services, raise that issue and deal with it, and it may very well be that there'll have to be some rules with respect to this.

After hearing what the Member for Calgary-Shaw said, I would suspect that his motives were honourable, and I have to accept his motives as being honourable – he's a Member of the Legislative Assembly – the same way that we would accept any other member's motives with respect to that. On hearing Mr. Dinning, I think I might also conclude that if he had to do it all over again, he probably wouldn't do it all over again. But then we don't have any rules here dealing with this, so it may be something that there'd be more to deal with.

I might conclude by just wondering if there was a motivation by Mr. McInnis in bringing this forward, other than the most honourable type of motivation that might be place, because I just can't see the linkage between the two of them. I'm trying to be very open-minded about this. I've listened very carefully to the statements put forward by all of my colleagues around the table, but I just have a great difficulty in understanding or comprehending the linkage between the two of them. I don't think they're similar issues at all, and I don't think they should be dealt with on that basis.

I'll just conclude with one other statement. While we had dealt with a matter put forward by one hon. member in dealing with another hon. member – the vitriolic usage of the word "scandal," which I think was motivated by somebody wanting to do that. I don't know why my hon. friend from Edmonton-Jasper Place continues to use such wordage in a press release put out on February 15 – I understand that the rules for party press releases may very well be different from instruments of communication put out by way of other budgets – and why he would want to continue referring to this situation as being

scandalous when the Members' Services Committee has already dealt with that.

I just conclude, Mr. Chairman, that I don't understand the linkage between the two of them. I don't think we've got an issue here to deal with.

MR. S. DAY: Mr. Chairman, there have been some assumptions here about motivation and why people bring certain things forward. The Member for Edmonton-Highlands talked about being unbiased. I think I can honestly say that on this issue I am every bit as unbiased as the Member for Edmonton-Highlands and also Edmonton-Jasper Place. I think I can honestly say I am as unbiased as they are on this issue. The point has been made very clear – it couldn't be clearer – relating somebody accusing someone of being in a scandal to somebody putting out a survey. There's absolutely no comparison at all, so I think that issue has been dealt with.

The Member for Edmonton-Jasper Place did talk about the Member for Calgary-Shaw doing a poll about leadership in a party. It's very clear, if you had taken time to read the survey, that the word there is "Premier." Although the Member for Edmonton-Jasper Place – I don't know if he personally supports our present Premier or not, but the Premier of Alberta is actually the Premier for the Member for Edmonton-Jasper Place as well as he is the Premier for the Member for Red Deer-North. So there's no mention whatsoever of party there. The word is "Premier."

Then the Member for Edmonton-Highlands also talked about these people having membership in the same party. That's making a pretty strong assumption that the Prime Minister of this country has purchased this year a membership of the Alberta Progressive Conservative Party or that the Premier of this province has purchased a membership of the federal PC Party. So unless you have information that certainly I'm not privy to, I don't know where you get off making those types of wild assumptions.

I think we can quickly dispense with this matter. The matter of having now to go and look at a series, a network, a myriad, a quagmire of regulations is, in fact, a knee-jerk response that somebody would use if they're used to responding to things via the Napoleonic Code, which is to codify everything. Our tradition is that of common law, which is to take issues as they arise, deal with them on precedent and on law that's in place, and I'd like to leave it at that. Let's deal with these an issue at a time as they arise. Let's learn from this experience – I think all of us have learned from it – and carry on.

6:37

MR. CHAIRMAN: Additional comments? Edmonton-Jasper Place, in summation.

MR. McINNIS: Well, to all those who have questioned my motives, I would simply like to point out that I never questioned the motives of the hon. Member for Calgary-Shaw. In fact, in citing the ruling from the Clerk, I said there were two parts to it: number one, that it was politically motivated, and secondly, that it was personally damaging to another member. I said, to repeat, that I have no knowledge of Mr. Dinning's motives and I don't want to impute any motives. It would seem to me to be clear that no one should impute motives the other way.

The question is whether it could be personally damaging. Now, if somebody can tell me what would be more personally damaging than being rated 13 basis points ahead of Brian Mulroney, I would like to know what that thing is, because I

don't think there are very many things in life that are anywhere near as damaging as that. I mean, how damaging can you get?

The point here is that we have to deal with the common-law rules as they are and as they're determined by this committee from time to time. The fact that there was language used that some people find offensive is not the issue, and it's never been put forward as the issue. Otherwise, what do we have, a dictionary as the source? The word "scandal" seems to be the one that bothers people. Well, Mr. Gibeault tabled media articles, not one but several, in which that word was used at that point in time. Now, if there's something wrong with the word, if the word is misapplied, if it's offensive or whatever, there are means, there are ways to deal with that.

We have a situation where people have a great deal of difficulty knowing what they can put into a newsletter and what they can't. I submit that on this question of the leadership, how I feel about the leadership of Premier Getty isn't the issue here either. But I do know that he is the only Premier we have. He's also the leader of the governing party. So these things are the stuff of politics.

Now, if the committee turns down the motion and says that it's all right, in effect, to go ahead and poll about the performance of other hon. members in the Assembly, the can of worms that was opened in Mr. Gibeault's case gets a little bigger and a few more worms escape. I think, perhaps, that every member should be aware of that before they vote on the motion.

MR. CHAIRMAN: Thank you.

Those in favour of the motion as proposed by the Member for Edmonton-Jasper Place, please signify. Opposed? The motion is defeated.

The Chair would like to briefly comment. I understand that all hon. members of this committee have received a mailout, a summary dated February 13, which is entitled Constituency Mailouts: Appeal Mechanisms for Disputed Content, which gives a review, as far as we've been able to determine, across the country. Perhaps hon. members might take it and do some reading, because odds are we might be hearing from it again.

We also have a document prepared October of 1990 by the research officer for the Ontario Legislature. It's called The Role of the Office of the Assembly. There's one paragraph in there – and I'm quite prepared to have the total document copied and given to all members of the committee as well. Reading here on page 6:

Each Member is allowed to publish three constituency newsletters per year, paid for by the Office of the Assembly. These mailings are intended to give Members a forum for informing their constituents about provincial politics; however, their content must be non-partisan in nature.

I just raise that because in terms of the various issues, not only this one with the Member for Calgary-Shaw but with the Member for Edmonton-Mill Woods, the Member for Redwater-Andrew, or other Members of the Legislative Assembly we've had to become involved with, again I say that somehow we are expected to have the wisdom of Solomon in our office, and we do not pretend to have the wisdom of Solomon. So I commend those papers to all members for their perusal.

Thank you, Member for Calgary-Shaw.

Hon. members, you'll notice that in my covering letter to him with regard to the issue as raised by the Member for Edmonton-Jasper Place, I expressed my concern that there was a press release including publishing of his letter to me without my office having first received the document. That concerned me greatly at the time. I've since had a letter of apology and explanation

from the Member for Edmonton-Jasper Place. Thank you. Perhaps we can at least get the timing together a little bit better.

All right. The next issue. I understand the Member for Barrhead wishes to deal with Members' Services Order 9/90, which deals, I think, with constituency signs, and perhaps there is some information you wish to distribute.

MR. KOWALSKI: Thank you very much, Mr. Chairman. Yes, I asked to have a matter on the agenda of this committee, and perhaps we could have these photos circulated to members of the committee. Thank you so much.

Unfortunately, Mr. Chairman, I wasn't able to attend a meeting of the Members' Services Committee on the 17th day of December 1990, or it could very well have been the 18th day of December 1990. In reading the amendment orders – and in this case it's Members' Services Committee Order 9/90, also referred to as Constituency Services Amendment Order 21 – the committee dealt with a matter dealing with constituency office signs. The committee, within its rights, passed an order dealing with constituency office signs.

Unfortunately, the order that was passed has caused me a personal little conundrum. I have had a sign on the constituency office that I have in the community of Barrhead, and the sign was erected in 1981, as I recall. That's 10 years ago, Mr. Chairman. That sign was purchased from a local painter, a local artist, and prior to having the sign commissioned – the sign, by the way, was paid for by the allowances afforded to members at that time for a constituency office sign – I had taken the time to review this matter with the then chairman of the Members' Services Committee and officials within his office. I was told, "That's fine; no problems with the sign." The sign was ordered, was printed, and was erected, and interestingly enough – and this is just a bit of history associated with this – I recall that during the election campaign of 1982, one of my opponents raised the issue of my constituency sign. In fact, he even asked a national newspaper to come out to Barrhead to write a series of articles about this sign. Needless to say, my old friend Nick got beaten pretty badly in the polls because my constituents couldn't quite understand why anybody would take umbrage with something as simple as this. In three election campaigns that sign has been there, through the election campaigns of 1982, 1986, and 1989, and each time I've got more votes than the previous time.

6-47

My dilemma with respect to all of this, Mr. Chairman, is that this order was passed by the Members' Services Committee in December of 1990 and it seems that I am now in violation, whereas I had sought permission. If I had not sought permission or if I thought I had done something wrong, well, I'm not sure I'd be here today. But the fact of the matter is that I had not only sought permission, I had received permission. I now have a sign paid for by the public of Alberta, and when I read Order 9/90, it seems that I am in violation. That order says:

Signs or directory entries relating to a constituency office shall refer to it as such, and signs and entries shall include only, all or any of the following:

(a) the name of the Member.

Well, quite clearly, my sign has my name on it.

(b) the name of the electoral division.

Quite clearly, the name of the electoral division is there.

(c) the designation: "constituency office"

Quite clearly: "Barrhead constituency office."

I don't have

- (d) the address, telephone numbers and hours of operation of the office and of any other office operated by the Member,

because that's my only office.

- (e) directions to reach the office.

Well, I'm sure that anybody who looks at the sign will know that there's a door right beside it and that's the place to go. Then section (f):

- (f) in the case of a sign, the coat of arms of the Legislative Assembly.

The order goes on to say, Mr. Chairman:

- (8) All constituency office signage, present and future, must comply with the foregoing by April 1, 1991.
- (9) Failure to comply will result in the office not being recognized as a constituency office and hence funding for the constituency office will cease until compliance with the Order.

Now, it may very well be that I don't have the correct interpretation of this particular order, specifically (8). It may very well be that the interpretation of that clause will say, "Well, if you had done it prior to this time, it's okay, and it complies," and maybe this is not an issue for me. But I don't want to be in a difficult situation with the committee or, sir, with you and your office and the associates with you.

Mr. Chairman, I just really feel that it would be irresponsible on my part to commit to the usage of public funds to change that sign, which I had sought and received permission for. The sign's there. Granted it's 10 years old and some people may argue that he should be repainting it, but it's perfectly good and I don't really feel that I have to use some more public dollars to do that.

Mr. Chairman, I'm in a dilemma because I don't want to have my funding for my constituency office evaporate April 1, 1991. I think there are some reasons for grandfathering that have to be applied by this committee. I certainly don't want to get into an antagonistic situation with the committee, but I sought the right to come to this committee to have the privilege of making this argument and providing it to all members of the committee because I think there is a story here. I'm asking for an understanding with respect to this, because ultimately and fundamentally I don't want to see the expenditure of public money to do something that I had already received permission to do.

MR. CHAIRMAN: Edmonton-Jasper Place, followed by Taber-Warner.

MR. McINNIS: Hallelujah, brother. He's got reason, he's got logic, he's got common sense, and around here that and 75 cents will get you a cup of coffee every time.

You've got the same problem that many of us around this table have. We have signs which were erected prior to the bringing of this order into effect, which suddenly offend the provisions of the order. I think that the case as put forward is eloquent and logical. Some unkind person may point out a similarity between the artwork and the logo of the Progressive Conservative Party, but I don't know who would do a thing like that.

I think that what we need is a solution to this problem, members of the committee, which applies equitably to all members of the Assembly. It's not up to us to grant dispensations in the way that some religious leaders may have on an individual basis and say that you can go and you can't go. So we have to amend this thing.

I submit there are two and only two ways around this problem, and I'll leave it to other members of the committee to determine which. One is to, in fact, grandfather the signs

which were in place prior to the coming into effect of this order, which is to say April 1, 1991. That has the advantage of not causing taxpayers' funds to be wasted unnecessarily. It has a disadvantage that it treats members who erected signs before a certain date differently than other dates, but you know, that happens all the time. Rules change and you can't go back in time, so there is some precedent for doing that. The other is to rescind the order altogether and revert to a situation in which Members' Services order 3(2), communication allowance, applies, so that we know which things of a political party cannot be displayed.

Those are the two options, and I leave it to committee members to determine which to follow.

MR. BOGLE: Well, Mr. Chairman, this is the third time the committee has dealt with this matter, not the second time, Ken. The first time the committee dealt with it was on July 19, 1990, when a motion was put forward by Stock, which directed that signs for constituency offices contain one or all of the following:

- (a) the name of the Member;
- (b) the name of the electoral division;
- (c) the designation: "constituency office";
- (d) the address, telephone numbers, and so on.
- (e) directions to reach the office;

and finally:

- (f) in the case of a sign, the coat of arms of the Legislative Assembly.

And guess what, Ken? You were here, and you voted against the motion. It's now quite clear why you voted against the motion. It's because your office sign did not conform with the motion made on July 19. We reaffirmed our decision in December, as you've rightly stated, and it was placed in an order. It's very clear that the order refers to all signs. There is a simple solution for you and for any other member of the Assembly who has a sign which does not comply, and that is ensure that it does comply prior to April 1 of 1991.

Now, I suggest that that be done and that we get on to other business.

MR. CHAIRMAN: Additional comments? Red Deer-North.

MR. S. DAY: Well, Mr. Chairman, I just have a couple of questions on what we have before us, because I can't recall. Was this the original wording of that July motion in its entirety, or was there a change to what we have here at some later date? Is what we have here what we had in its entirety on that July motion to which Bob referred?

MR. BOGLE: I'm sorry, I've closed the page now; I can't find it. What we're referring to is the emblem on the sign, and that is referred to very specifically.

MR. S. DAY: Yes. The motion which was credited to me by the Member for Taber-Warner is that same motion?

MR. BOGLE: The order?

MR. S. DAY: Yes. Or were there any changes made to this after July here in this committee?

MR. CHAIRMAN: My understanding, while they're looking for it, is that (9), of course, was added. The matter of (8) originally was going to be put into effect earlier, and by your own motion, Red Deer-North, it then got moved on to a later date.

MR. S. DAY: Okay. So (9) was not included in my July motion. Is that correct? And in (8) there was a date change.

MR. BOGLE: Yes, "present and future."

MR. S. DAY: Okay.

MR. McINNIS: The difficulty was around the retroactivity question. It became obvious the committee couldn't retroactively make a rule, so a genius created this device of withdrawing funding.

MR. CHAIRMAN: Well . . .

MR. McINNIS: I'm sorry. I withdraw the term "genius."

MR. CHAIRMAN: Thank you.  
Red Deer-North.

MR. S. DAY: That was subsequent to my motion.

As I recall, Mr. Chairman, the order here referring to the Legislative Assembly Act section 45(1) – that was in place before the '89 election, and therefore, before the Member for Edmonton – wherever he lives – bursting on the scene. As I recall, my feeling at that time was that the law was indeed in place, and somebody violated a ruling that was in fact already in place. Now we have information from another member that says that before this ever came into being, he had asked, appealed, et cetera, and was granted the right to have that type of sign. Frankly, at this hour of the day my nimble mind isn't quite as nimble as it should be, and I don't know how I would like to rule as far as this information coming forward now from the Member for Barrhead. I'd like the matter tabled.

MR. CHAIRMAN: Okay. I have a motion to table. Those in favour of the motion?

MR. BOGLE: You have an effective date, April 1.

MR. CHAIRMAN: I'm sorry. I have a motion to table.

MS BARRETT: Okay. Well, let's call the question then.

MRS. BLACK: Call the question.

MR. CHAIRMAN: Indeed. That's what the Chair is doing, folks.

MS BARRETT: Okay.

MR. CHAIRMAN: All those in favour of the motion to table, please signify. Opposed? Thank you.

The next speaker is Edmonton-Whitemud, followed by Calgary-Foothills.

6:57

MR. WICKMAN: Mr. Chairman, I've got to say that I have a bit of sympathy for the Member for Barrhead just as I did for the members for Edmonton-Jasper Place and Edmonton-Highlands.

We've gone through a situation on a number of occasions about the wording of pamphlets. Now we're getting into how constituency signs should appear, the very strictest of codes. I see ads in the paper, and next they'll be coming forward where

the Member for Edmonton-Highlands in the Boyle Street-McCauley newspaper advertises "community" office rather than "constituency" office. I'm sure that some day that's going to come here, and there's going to be some objection to it. I think we're starting to go overboard on this whole thing. I guess you could go to the Edmonton-Whitemud constituency office and look at my sign – it's red – and somebody could read in there the wrong . . .

MRS. MIROSH: Red and white?

MR. CHAIRMAN: The Calgary Stampeders' colours.

MR. WICKMAN: Red and white, exactly. They could read in there and say that it's political. I think it was a mistake when we passed that original order that came forward.

MR. S. DAY: You ordered blue, right, and they ran out?

MR. CHAIRMAN: Order. Let's get through this sometime.

MR. WICKMAN: John's sign should be left, and Pam's sign should be left. Ken's sign has been there for 10 years. It hasn't bothered anyone, so why start ordering people to start taking down signs or changing signs? So to the Member for Barrhead: I support you.

MR. CHAIRMAN: Thank you.  
Calgary-Foothills.

MRS. BLACK: Thank you, Mr. Chairman. I'd like to go back. This issue originally came to the committee after the Sergeant-at-Arms made a visit around to constituencies and came back to advise us that some of the constituency offices were not complying with proper signage. So it was dealt with. We then drafted this order to make it clearer, that all members would know what was to be on the signs. I do sympathize with the Member for Barrhead the same as I do with Edmonton-Jasper Place and Edmonton-Highlands. I really do sympathize with you, but we in fact made an order, and we passed it at this meeting. We extended the deadline. Originally it was for January 1. We extended it to April 1, 1991, so it would come, you know, in plenty of time to make changes. This has been an issue since July. This is not anything new. Sign artists can change these quite readily and quite easily at very little expense, particularly signs of this nature and the ones that I've seen from the pictures from Edmonton-Jasper Place. It does not require an entire new sign. Neon sign makers have been making signs for years; they know how to do this, paint over them.

I think it's unfortunate, but we've made the decision. We've made the ruling, and whether it was a five-year-old sign or a two-year-old sign, they all must comply. My sympathy goes out to you, and it was a wonderful rendition of how your sign evolved, but you know, that's the name of the game.

MR. CHAIRMAN: Edmonton-Highlands.

MS BARRETT: Well, I'm with Ken on this subject. See, I got approval. I showed a mock-up to the Clerk. I didn't violate any rule.

MR. CHAIRMAN: Which Clerk?

MS BARRETT: The Clerk in '86.

It was checked. It was absolutely okay. I had permission prior to having the signs done. There was no rule that I was violating at that time, just like there was no rule that Ken or John or anybody else was violating.

MR. McINNIS: There isn't today either.

MS BARRETT: And there isn't today but for the fact that . . .

MRS. BLACK: Sure there is.

MS BARRETT: No, hang on. The rule comes into force on April 1, but more importantly than that, it's what happens if you don't comply then. Like, if you didn't comply and somebody came along and painted your sign for you, that would be quite a bit different, even, than failing to comply and losing the right to have the funding for your constituency office or the recognition of the constituency office. That's pretty heavy-duty stuff considering that when we had our signs made, we didn't break any rules. We went along with the rules. They were okayed and paid for by the decision-makers. I don't know that I could add any more to Ken's eloquent case, and I just think we need to switch two votes around here and get this problem solved once and for all.

MR. CHAIRMAN: Additional? Thank you.

The Chair sees no motion, hears no motion. We've had the conversation.

MR. KOWALSKI: Mr. Chairman, does the individual who started the debate have the right to conclude?

MR. CHAIRMAN: Well, I don't have a motion, so I'm kind of caught in that way.

MRS. MIROSH: I'll move a motion. I think there should be something in (8) with regards to retroactivity: that all constituency office signs present and future must comply with the foregoing as of April 1, 1991, and that those that had their current signs prior to that date should just remain as is.

MR. McINNIS: Perhaps I could help you, hon. member. I happen to have worded just such a motion. It would simply say: all constituency office signage erected after April 1, 1991, must comply with this order.

MRS. MIROSH: Okay; I accept that. That simplifies it. There is some form of retroactivity.

MR. CHAIRMAN: Okay; so this is your motion, Calgary-Glenmore, so that I know who's moving it for sure?

MRS. MIROSH: Yes.

MR. CHAIRMAN: So that you're absolutely clear: between now and April 1 if anybody wants to go out and put up a bunch of their signs, that's fine. You're going to say it takes effect April 1. That's for clarification.

MRS. MIROSH: That's right.

MR. CHAIRMAN: All right. Now Calgary-Foothills.

MRS. BLACK: Well, Mr. Chairman, I will speak against that motion, because I think that it really takes away from the intent of the Members' Services order that we debated twice before. I think that if you're going to have consistency on recognition of constituency offices, then you have to have consistency of recognition of constituency offices. You can't have - what was one? - the hotshot drop-in centre or something like that. You've got to have some conformity. Our Members' Services orders talk about constituency offices throughout. If we're not going to have them labeled as constituency offices, then we're going to have community centres, we're going to have drop-in centres, we're going to have everything under the sun that could go up and be reflected out in the community.

The concept that I understood was that we were trying to have an identification of what was a constituency office so that the public would know it was a constituency office, and it would be compatible with our Members' Services order. To now go back, after the lengthy debate that we had when we went through this Members' Services order, and say, "Well, if you have a sign, that's okay, and anybody coming into the House from this point on is going to have to follow this rule," I think is not acceptable, and I'm surprised that the member would bring forward such a motion at this point.

As was presented earlier, everyone certainly feels sorry and feels compassion for those members that have to change their signs, but surely to goodness we should have some common ground in our signage out there so that people know that it is in fact a constituency office. So I really very much oppose the motion that has been put forward by Calgary-Glenmore.

MR. CHAIRMAN: Thank you. Edmonton-Whitemud.

MR. WICKMAN: Mr. Chairman, I believe I have an amendment to the motion, but first could I have the motion repeated?

MR. CHAIRMAN: The motion deals with one section of the Members' Services order in front of you, section (8). It would be that all constituency office signage erected after April 1, 1991, must comply.

MR. WICKMAN: Okay. I would amend it that it be worded in such a way "effective immediately" rather than April 1. That's to get around the concern that was raised by some member about people tiptoeing out there and changing their signs between now and April 1. That should satisfy the concern that was raised.

7:07

MR. CHAIRMAN: This is now an amendment. The amendment, as moved by Edmonton-Whitemud, is that the effective date not be April 1 but that it be February 20, 1991.

MRS. BLACK: Speaking to the subamendment.

MR. CHAIRMAN: Indeed. To the amendment. It is an amendment.

MRS. BLACK: The amendment to the motion. I think that's highly unfair, Mr. Chairman. If I want to go out now and call my constituency office something other than a constituency office, I feel I have the right to do that. I think it would be an infringement of my rights not to be able to go out and change

my signage to something such as a drop-in centre or whatever I so choose. I think that's hypocritical, Percy, to say that I can't have that opportunity if now we've changed this order in midstream after I'm in compliance with the order, that I don't have the same opportunity as other members until April 1.

MR. WICKMAN: I'm trying to support Ken; I'm trying to support Dianne.

MR. CHAIRMAN: Thank you, hon. member. You'll get a . . . No, you won't. You've had your chance on the amendment, Edmonton-Whitemud.

Calgary-Foothills, additional on the amendment to the effective date?

Edmonton-Jasper Place.

MR. McINNIS: Our situation is fundamentally this: the majority of the committee wants to change the rules. We're trying to deal with the unfairness caused by retroactivity in the application of the rules. I think the Member for Edmonton-Whitemud has put forward a suggestion to deal with, I think, an unreasonable fear that a large number of members are poised, waiting upon our deliberation, to go out and make changes in their signs. The reality is that for all of the alleged ambiguity, we don't have very much variation within the signage that's there. However, the Member for Edmonton-Whitemud has put forward that even this unreasonable fear could be eliminated if we changed the effective date to this date, and if that would put the mind of the hon. member at ease, then I think we should put that in there.

I would also point out that there are many other variations aside from the three that we're aware of, because there are three members of this committee who are affected. There are others as well.

MR. CHAIRMAN: Thank you.

On the amendment, which is the time.

MR. HYLAND: I'm just intrigued by the Member for Edmonton-Jasper Place's last comment that "there are others as well," something that I wasn't aware of before. Is it a question of the logos on them or the wording or a combination of both? Can the chairman or the Clerk throw a little more light on that subject?

DR. McNEIL: I can't.

MR. CHAIRMAN: Not at this stage.

MR. HYLAND: So we may have more than the three signs we're talking about?

MR. CHAIRMAN: I don't know. The Sergeant-at-Arms says he's continuing to go around just to take note. Since this has been such an ongoing issue, I've asked him to take along a camera and start photographing the signs so we have some kind of process. I mean, what the heck is there? I want you to know this is not exactly my most exciting activity, but there has got to be quite a variation there, I'm sure. But I cannot answer.

Red Deer-North, on the effective date. This is the amendment.

MR. S. DAY: Am I to understand, Mr. Chairman, that if this was to be passed in the affirmative, we could all rush out and change our signs before April 1?

MR. CHAIRMAN: No. The amendment, which I think occurred while you were out of the room, hon. member, was that the effective date be this day.

MR. S. DAY: Okay. Just for your information, the Sergeant-at-Arms may have the information people were asking for. I know he was in the Red Deer-North constituency, took a picture of my signs, was very impressed with the coat of arms and the wording "constituency office." He was quite pleased with it.

MR. CHAIRMAN: I think he was taking a look at Cypress-Redcliff yesterday.

All right. Additional on the effective date? If not, the question before us then is: the effective date of this is February 20, 1991, not April 1. Those in favour of February 20, please raise your hand. Opposed? I need a count. Those in favour of February 20? One, two, three, four, five. Thank you. Opposed? One, two, three, four. It carries.

We're now debating that the date would be February 20. Now we're on to the whole motion. Additional speakers? The ones that I had thus far were Calgary-Glenmore, Calgary-Foothills, Edmonton-Whitemud. Additional?

MS BARRETT: Call the question.

MR. CHAIRMAN: Thank you.  
Grande Prairie.

DR. ELLIOTT: Mr. Chairman, my information and my experience with signs is somewhat limited because I'm working on the very minimum of signs in my Grande Prairie constituency office. But I did come in contact with the topic once. I chose to have a banner on cloth with the name of the MLA, the initials "MLA" behind it, and "Grande Prairie constituency." This was so it could easily be placed on both sides of a vehicle for parade purposes. It can be put on with temporary tape very quickly and taken off and rolled up in storage and used again and again, the two of them, one for each side. When I made inquiries about whether or not such a sign or banner would be appropriate for parade work, I was advised immediately that whatever you do, make sure that you do not use colours related to a political party. I assured the official in your office that I was enquiring about the purchase of such a sign under our constituency funds and that that would not be the case.

Now, I have before me here a photograph in colour that I think is displaying the colours of a political party in this province, and I'm just trying to recall what the discussion was with respect to the debate that's taken place in the last two, three, four meetings - whatever it is - on this topic with respect to the use of colour. Is the violation we're talking about here at the present time the logo at the end of the sign or is it the use of the colour that's used involved in the name of the MLA for the constituency? How much of this sign is in violation at this particular point? It certainly would have been contrary to the discussion or the instruction that I received with respect to having a simple banner made that I could put on my car for parade purposes.

Thank you.

MR. CHAIRMAN: Thank you.  
Additional?

MR. HYLAND: What about the questions that Bob asked?

MR. WICKMAN: Well, it's not in the order. It's clearly not in the order; there's no reference to colour.

MR. CHAIRMAN: I would assume in this case that as you review the order it is indeed the logo, not the initials "MLA" there. It's the fact that it's got the blue . . .

MR. WICKMAN: The Barrhead coat of arms.

MR. KOWALSKI: Sure, but section (7) says, "shall include only, all or any of the following." It doesn't say in there "MLA," so presumably the "MLA" is in violation too, because the order doesn't say only or all of them.

My basic point is that I just think those who are already in place - we've already passed an amendment saying that this thing becomes effective February 20, that grandfathers those of us who are imperfect. We pass the motion, and then we're out of this.

MR. WICKMAN: That's a good point, that thing about the "MLA." Mine says "MLA."

MR. KOWALSKI: You can't even put "MLA" in.

MR. McINNIS: You could have lost your funding there but for Dianne's motion.

MRS. MIROSH: Mr. Chairman, do I get to say anything?

MR. CHAIRMAN: Absolutely. I was about to recognize legal counsel for the last comment.

MR. RITTER: Mr. Chairman, just a very quick comment. The designation "MLA" is a distinction given under the Legislative Assembly Act and would be included as part of a member's name, I would think. So it probably is allowable under the order.

MR. S. DAY: Agreed.

MR. CHAIRMAN: Cypress-Redcliff, you haven't spoken on the main motion. All right.

MR. HYLAND: My question is now: as we went around this discussion and talked about community offices and the wording "community offices" not being used anywhere in the Assembly and not in the Members' Services order either, even if this is passed, where do we stand with that, being that the word isn't used anywhere else?

MS BARRETT: That would be covered by Dianne's motion.  
7:17

MR. CHAIRMAN: My interpretation is that if indeed this motion were to pass, those members - there are at least two of them at this table - who have "community office" instead of "constituency office" on their signage would be allowed to continue. But if anyone else decides they're going to go out tomorrow and start putting up "community office," they'd be in

direct violation of the whole order. They will then be subject to (9) here, and they will lose the funding to the constituency office. Okay? Is that right, Parliamentary Counsel?

MR. RITTER: Yes.

MR. HYLAND: So in some ways those that may have felt they wanted to have "community office" before but were told somewhere along the way that it had to be called "constituency office," when this motion is passed would be deprived of the opportunity to change their name.

MRS. BLACK: My argument.

MS BARRETT: No, because they would never have been told prior to July that they couldn't. They would never have been told, or I would have been told or John would have been told. It just grandfathers the existing signs.

MR. S. DAY: It's a basic principle of grandfathering. That just happens. It's unfortunate.

MS BARRETT: Yeah. It just grandfathers existing signs. That's all.

MR. CHAIRMAN: All right. Calgary-Glenmore, in summation.

MRS. MIROSH: Well, Mr. Chairman, I wasn't at the meeting of December 18 when this was discussed. I recall vaguely the July meeting, but I feel very strongly that if the Clerk of the Assembly and legal counsel at that time had allowed Members of the Legislative Assembly whenever they erected their signs to do so in the manner that was put forward to them for advice and they were given the go-ahead through your office, it's unfair to change rules midstream. As a person who chairs Professions and Occupations, this occurs ongoing, and we always grandfather people in one way or another to be fair. I feel very strongly that there may be other members that we are unaware of that have signs that don't comply with this order. We're not aware of all of them, but I feel that because they were allowed by this Assembly to do so, they should continue to keep their signs.

MR. CHAIRMAN: We all carry on from our predecessors. Right.

Because of the amendment now having been passed, under subsection (8) of the Members' Services order that you have before you, the motion now will read:

All constituency office signage erected after February 20, 1991, must comply with this order.

That is the question before us. Those in favour of the motion, please signify. Opposed? The matter carries.

MRS. BLACK: So we have till midnight tonight?

MR. WICKMAN: Actually my amendment said effective immediately.

MR. CHAIRMAN: All right, hon. members. I've been given notice of a quick piece of business, I understand, under item 6, Other Business: the matter of Taber-Warner and Edmonton-Highlands having had some discussion with respect to a subcommittee or a book.



MS BARRETT: Yes.

MR. BOGLE: There was a discussion yesterday between Pam and Percy and myself about a subcommittee looking at the feasibility of putting together a biographical sketch of members who have served from 1905 to the present time and covering just a bit of profile on the members, regardless of which side of the House they sat on and what their interests were, their duties. The idea was that we'd do a bit of research on it - I think there's a lot of information that the Leg. Assembly already has on this subject matter - and then report back to the full committee at a future date.

MS BARRETT: Right.

MR. CHAIRMAN: And who was to be involved in this in addition to our office?

MR. BOGLE: Well, the suggestion was that it be a committee of Pam, Percy, and myself and that we would work with your office in terms of material that exists here. There's a book put out I believe by the Chief Electoral Officer covering elections between 1905 and 1980, which is very good and could form part of the basis. But it's a fact-finding process.

MR. CHAIRMAN: Red Deer-North.

MR. S. DAY: Not being aware of that, what was the purpose of the exercise?

MR. BOGLE: To report back to this committee to look at the feasibility of putting together a biographical sketch of members, to look at the pros and cons.

MR. S. DAY: And make a book, you mean?

MS BARRETT: Yeah, or even a binder. Basically, an historical view that parallels the Chief Electoral Officer's historical view after each election. You know, the number of seats often changes, the names of ridings, et cetera, et cetera. This would fill in the one blank that's missing, and that is, aside from the name of the member for that area, we'd just be looking at whether or not it's useful to do a brief biographical sketch on each one.

MR. WICKMAN: Yeah, it's a quick glimpse of the political history of Alberta. Some people sitting around here may not realize that the first government of Alberta was a Liberal government.

MRS. BLACK: And they ran them out on the rails too.

MS BARRETT: That's right. Careful, Percy.

MR. WICKMAN: The city of Edmonton has a guide like that. It's done in a little booklet form. It's very inexpensive to

produce. It shows all the various aldermen that have served and the committees they were on. It's history.

MS BARRETT: Anyway, Bob's request is: do we have authority to do this? Just to have a look and see if it's feasible.

HON. MEMBERS: Agreed.

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

MR. S. DAY: All the information's in *Who's Who*.

MS BARRETT: Yeah, a lot of it will be.

MR. CHAIRMAN: As a matter of fact, a lot of it is not. There's a lot in the Parliamentary Guide as long as you can research back, but you're talking about taking us back to 1905.

MS BARRETT: Yeah. The trick is, you know, for each Parliament to identify the MLAs. A lot of times it's just going to be repeat.

MR. CHAIRMAN: It's more work for Bill Gano and Mary and our magic computer.

MS BARRETT: I like Pat's motion. She motioned for adjournment.

MRS. BLACK: Motion for adjournment.

MR. CHAIRMAN: All righty. We do need to pause for a moment though. The future meeting is to be at the call of the Chair. We have some other business. Do we want to meet before the House goes in?

MRS. BLACK: No.

MR. McINNIS: Can you tell us when the House goes in?

MR. CHAIRMAN: I hope to be able to in a couple of days.

MS BARRETT: A motion to adjourn.

MR. HYLAND: Do we give you a motion or just say the call of the Chair?

MR. CHAIRMAN: The call of the Chair. Is that agreed for the next meeting?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: All right. Motion to adjourn, Calgary-Foothills. Those in favour, please signify by leaving the room.

[The committee adjourned at 7:25 p.m.]