



Legislative Assembly of Alberta

The 27th Legislature
Fifth Session

Standing Committee
on
Members' Services

Tuesday, March 20, 2012
10 a.m.

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Fifth Session**

Special Standing Committee on Members' Services

Kowalski, Hon. Kenneth R., Barrhead-Morinville-Westlock (PC), Chair
Campbell, Robin, West Yellowhead (PC), Deputy Chair

Amery, Moe, Calgary-East (PC)
Anderson, Rob, Airdrie-Chestermere (W)
Elniski, Doug, Edmonton-Calder (PC)
Evans, Iris, Sherwood Park (PC)
Hehr, Kent, Calgary-Buffalo (AL)
Knight, Mel, Grande Prairie-Smoky (PC)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
MacDonald, Hugh, Edmonton-Gold Bar (AL)
Mason, Brian, Edmonton-Highlands-Norwood (ND)
Rogers, George, Leduc-Beaumont-Devon (PC)

Also in Attendance

Taylor, Dave, Calgary-Currie (AB)

Support Staff

W.J. David McNeil	Clerk
Allison Quast	Special Assistant to the Clerk
Bev Alenius	Executive Assistant to the Chair
Shannon Dean	Senior Parliamentary Counsel/ Director of House Services
Robert H. Reynolds, QC	Law Clerk/Director of Interparliamentary Relations
Brian G. Hodgson	Sergeant-at-Arms
Cheryl Scarlett	Director of Human Resources, Information Technology and Broadcast Services
Scott Ellis	Director and Senior Financial Officer, Financial Management and Administrative Services
Liz Sim	Managing Editor of <i>Alberta Hansard</i>

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[Mr. Kowalski in the chair]

The Chair: Well, hon. members, it is 10 o'clock in the morning. It is March 20, 2012. This meeting was duly advertised to all, and we certainly do have a quorum, so I will call the meeting to order.

The first item that we have in calling the meeting to order is approval of the agenda.

Ms Evans: So moved.

The Chair: There's a motion. Seconder?

Mr. Elniski: Got it.

The Chair: Seconder, Mr. Elniski. Discussion? Shall I call the question? All those in favour of the agenda?

Hon. Members: Agreed.

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

The Chair: Okay. Mr. Rogers will move the minutes. Seconder for that?

Mr. Amery: Yup. Got it.

The Chair: Mr. Amery. Any discussion rising out of the minutes? All those in favour, please say aye. Those opposed, please say no.

All right. We're down to new business, then, and there are two items that I've been asked to have put on the agenda. Both come under the name of Mr. Robin Campbell, MLA, so I will recognize Mr. Campbell.

Mr. Campbell: Thank you, Mr. Chairman. I have three motions. Two of the motions deal with part A, which is the members' compensation adjustment average weekly earnings formula. The third motion is to deal with part B, which is legislative committee pay. If it's okay with you, I'll read the motions into the record.

The Chair: Please proceed.

Mr. Campbell: The first motion is that section 1.2 of the Executive Council salaries order be renumbered as section 1.2(1) and that the following be added following subsection (1):

(2) The annual adjustment to salaries required under section 1.1 is suspended for the 2012-2013 fiscal year pending a decision by the Legislative Assembly or the Members' Services Committee following consideration of the report by the Independent Review of Compensation and Benefits for Members of the Legislative Assembly of Alberta headed by the Hon. John C. Major.

The Chair: Mr. Campbell, I'm going to have that motion circulated.

Mr. Campbell: Okay.

The Chair: This is the Executive Council salaries order.

Mr. Campbell: What's your choice on this, Mr. Chairman, that we deal with each one individually?

The Chair: Well, I think that would be the appropriate way. The first one is dealing with the Executive Council salaries order, and that has to do with the situation of the average weekly earnings index coming into effect on April 1 of this year.

Mr. Mason: As I suspect that these motions may be somewhat related, I wonder if we could hear them all before we discuss and vote on each one?

The Chair: Oh, sure. We can do that.

Mr. Mason: Thank you.

The Chair: Sure. We can do it that way. So that's the first one, the Executive Council salaries order.

The second one that you would want to read – and it will be circulated as well – would be the members' allowances order. Is that what it is?

Mr. Campbell: Yes, Mr. Chairman.

The Chair: Okay. Proceed.

Mr. Campbell: Okay.

Section 4.2 of the members' allowances order be renumbered as section 4.2(1) and that the following be added following subsection (1):

(2) The annual adjustment to allowances required under section 4.1 is suspended for the 2012-2013 fiscal year pending a decision by the Legislative Assembly or the Members' Services Committee following consideration of the report by the Independent Review of Compensation and Benefits for Members of the Legislative Assembly of Alberta headed by the Hon. John C. Major.

The Chair: Okay. That's the same as the first one. It has to do with the average weekly earnings index that was to kick in April 1. The first one had to do with the Executive Council salaries order. This one has to do with the members' allowances order.

Proceed with your third one, then.

Mr. Campbell: Thank you, Mr. Chairman. The third one is to move that

the members' committee allowances order be amended by adding the following after section 3.2:

3.3 Sections 2(1), 2.1, 3(2) and 3.1 are of no force or effect pending a decision by the Legislative Assembly or the Members' Services Committee following consideration of the report by the Independent Review of Compensation and Benefits for Members of the Legislative Assembly headed by the Hon. John C. Major.

This has to do with the Members' Services Committee pay.

The Chair: Yes?

Mr. Anderson: Can we get a point of clarification, for those of us who don't have this in front of us, on what exactly sections 2(1), 2.1, 3(2), and 3.1 are? What do they entail?

The Chair: Rob, please explain.

Mr. Reynolds: Thank you, Mr. Chair. Basically, these sections all deal with committee pay. Section 2(1) talks about a member who serves on a category B committee and the pay there. Section 2.1 sets out the committee remuneration for category A or C committees. There are six subsections there. Section 3(2) talks about what the chair of a category B committee makes, and 3.1 talks about the annual increase related to the average weekly earnings for Alberta. Those are the sections that are indicated in the motion.

Is there anything else, Mr. Chair?

The Chair: Well, we'll see. The members have them.

Is there anything further to add there, Mr. Campbell? Essentially, it freezes everything.

Mr. Campbell: It freezes everything until the report of the Hon. John C. Major and then review by the Legislative Assembly.

The Chair: Mr. Taylor, you're a guest. We'll recognize you.

Mr. Taylor: Thank you, Mr. Chair. Do we have an estimate of when Justice Major's report will be ready?

The Chair: He was to provide the report, in the news releases that we put out, within four months to the day on which he began his review. He began his review on January 3, so that would make it that May 4 would be the latest time.

Mr. Taylor: Thank you.

Mr. Mason: Mr. Speaker, I wanted to follow up on that as well. I'm just looking at the *Hansard* of the last meeting. There was a clear sense that I had from the discussion there that this report would come forward to this spring session of the Legislature and that there was some intention to have a debate on his report in the spring session. I'm wondering if that's just gone or not going to happen now.

The Chair: Well, I don't think it was ever intended to be that way. I think the premise which you start from is not the one that I, certainly, understood.

Mr. Mason: Okay.

The Chair: The report was to be done, and under the motion that we had passed, it will go to the Legislative Assembly for review when the Legislative Assembly sits. Legislation is now in effect that basically says that there has to be an election before the end of May 31, so he's not going to have his report – it will come to the Legislature and then to the Members' Services Committee for implementation after the Legislative Assembly has dealt with it. That's always been my understanding of what it would be.

Mr. Taylor: Mr. Chair, was there not a clause in the motion that the Members' Services Committee passed setting up this committee that said that any recommendations of Justice Major would not take effect until following the next election after he submitted it?

The Chair: That's correct.

Mr. Taylor: In that sense, then, if his report is submitted after the writ is dropped and, presumably, before the next session of the Legislature begins following the pending election, then the Legislative Assembly or the Members' Services Committee can consider his report?

The Chair: No.

Mr. Taylor: No?

The Chair: No, because once the House dissolves, there is no Members' Services Committee. There are no committees that will exist as soon as we go to an election writ.

Mr. Taylor: Understood. Assuming that, of course, a Members' Services Committee is re-established in the 28th Legislature, right?

The Chair: Yes. Obviously, no committees can be established until the Legislature meets again.

Mr. Taylor: Understood. But the point that I was trying to get at is that it's eminently possible, then, that elected members following the next election will have a pay and benefits system set as a result of this report – well, not set as a result of this report – that carries over from this Legislature, from the 27th and from what we're doing here today, and there will be potentially no adjustment until after the election in, say, 2016, correct? In other words, we're looking at a freeze here?

10:10

The Chair: No, Mr. Taylor. We're dealing with the current environment that we're in. A Legislature can do whatever it wants whenever it wants. It will reconvene in a postelection environment, and it may never discuss this matter or have it discussed. It may not even appoint the Special Standing Committee on Members' Services. It can do all those things.

Mr. Taylor: The issue I was trying to get to is not the question of whether or not a Legislative Assembly can do whatever it wants. I understand that. The question I was getting to was: what is the Legislative Assembly, the 28th Legislative Assembly, expected to do with what we're doing here today?

The Chair: Nothing.

Mr. Taylor: Nothing?

The Chair: Nothing. This covers the current situation. Everything is frozen. If these motions are passed, the average weekly earnings index number which would kick in normally on April 1 will not. It will be zero. It will be suspended, postponed.

Secondly, if this motion is passed, if I understand this – I should have Mr. Campbell, I guess, describe this rather than myself – it basically says that for all committees there's no pay for anything. They're basically suspended.

Mr. MacDonald, you were on the list.

Mr. MacDonald: Yes. Thank you, Mr. Chairman. Good morning, everyone. My question regarding these motions is this. Do these motions apply to the government cabinet policy committees?

The Chair: The government policy committees are dealt with by cabinet. I understand they were dealt with on Wednesday of last week. A similar order in council passed, and they put this into effect. They froze them last Wednesday.

Mr. MacDonald: Okay. Thank you.

The Chair: Mr. Mason.

Mr. Mason: Okay. Mr. Chair, just a few comments. I think that as a stopgap measure, given the public debate that's taken place, these motions are prudent, and I will support them.

I also want to put on the record my view that the report of Justice Major should be brought forward before the Legislature is dissolved and be debated and a decision made so that the voters know where the Legislature stands and where the various members and parties stand on this issue. I think it's very unfortunate that he's likely not going to do that.

I refer to the minutes of the last meeting, and you say in that meeting that you "have provided the suggestion that the report be debated in the Legislative Assembly." You go on to say, "I have heard pretty loud and clear that when this report comes to me, it should be made public and it should go to the Assembly for debate."

Now, it is probably my inference that that was to take place before the election rather than your explicit statement. However, I

think we owe it to ourselves and to the people who elect us and pay our salaries to have this report and to make a decision with respect to this issue before the election is called. By the way things have been arranged, that may well now be very difficult, I agree, but I think it's very unfortunate. I think it would have been so much better for everyone, including the public, to have this discussion transparently and to make a decision and be accountable for that decision in the forthcoming general election.

Mr. Anderson: On behalf of the Wildrose caucus we will be supporting these motions as a stopgap measure, as was mentioned by Mr. Mason.

Again, I think that we certainly were led to believe – I'm not saying by you, Mr. Chair, or anyone around this table but just by certain reports. Certainly, when I appeared before the justice on this issue, my understanding was that we were going to receive this report prior to April 1. Maybe we still will. It doesn't look like it, though. I think that we're doing a disservice to voters, who should be able to go to the polls knowing what MLAs and cabinet ministers and the Premier are going to be paying themselves going forward. I think that to defer it down the line is a disservice to them.

I would also just want to put on the record that I believe that we should take into consideration that when this report is released, if it does have any kind of an overall salary increase for MLAs or cabinet ministers, we certainly come back together as a group here or in the Legislature and decline any kind of increase that we may get to our overall compensation package. I'm certainly willing to commit on behalf of my party that any increase in salary for MLAs or cabinet ministers will be rejected by a Wildrose government. So as long as that's on the record.

Certainly, as a stopgap measure we need to pass these motions, but I'm not happy that we're not able to debate these things prior to the election.

The Chair: Well, let me just make it clear. Mr. Major may have his report given to me today, but I don't know that. All I said was that it was to be done within four months. I count off from the date that he started – it was January 3 – and I go to May 3. He may show up today. And I said that I would make it public immediately, without delay. So that may happen.

Secondly, the other point is that one should be very careful about the future and binding and tying people down because there's no guarantee – well, I'm not running again, so definitely I won't be here – that anybody else will be re-elected either in this room. So let's deal with what we've got today.

Okay. We've got three motions. Did I ask for seconders on these motions?

Dr. McNeil: You did.

The Chair: I did ask. Did we have seconders, Allison?

Ms Quast: No.

The Chair: No, we didn't.

Okay. The one on Executive Council salaries. Mr. Mason, you said that you'll second that one?

Mr. Mason: You bet.

The Chair: That's seconded by Mr. Mason.

Ms Evans, you said that you would second the one on the members' allowances order. Is that correct?

Ms Evans: Yes.

The Chair: Does anybody want to second the third one? Mr. Rogers. So Mr. Rogers has seconded that one.

We've had the discussion, as I understand it, so I will ask for three separate votes, then, if that would be appropriate. All those in favour of the first motion, dealing with the Executive Council salaries order, please say aye. Anybody opposed? Thank you very much.

On the second motion, dealing with the members' allowances order, moved by Mr. Campbell and seconded by Ms Evans, all those in favour, please say aye. Those opposed, please say no. Carried unanimously.

The third one is the members' committee allowances order dealing with, essentially, the freeze. Mr. Campbell moved. Mr. Rogers seconded. All those in favour, please say aye. Those opposed, please say no. Carried unanimously as well.

Mr. Mason: With bipartisanship.

The Chair: Yes.

We have amendment orders as well that just give enforcement to what we've just done, and they will be circulated as well. They're just exactly the same thing over again, but we have to deal with these as well.

Ms Evans: So are you anxious for a motion to cover those?

The Chair: Yes, as soon as we get those circulated.

I did not welcome a new member to this committee today, Mr. MacDonald, who was just recently elected to this committee. He's attending his first meeting of Members' Services.

10:20

Mr. MacDonald: You chair a very good meeting, sir.

The Chair: Well, thank you very much.

Mr. Mason: But I will point out that the Public Accounts Committee does provide breakfast.

The Chair: I'm sorry. I apologize. I really, truly apologize.

Mr. Campbell: Somebody should let Mr. Mason know that we on the government side usually have breakfast around 6 or 7 in the morning. So if you'd like brunch, we could probably look after you.

The Chair: To Mr. Reynolds: what number are we giving to these three committee orders?

Mr. Reynolds: The Executive Council salaries order could be 01/12 – and I look to Ms Quast to correct me – the members' allowances order could be MSC 02/12, and the committee one could be 03/12.

The Chair: All right. Ms Evans moves. Is there a seconder? Mr. Elniski. So to approve these Members' Services orders – 01, 02, and 03 – all those in favour, please say aye. Those opposed, please say no. The motion is carried unanimously.

All right. The date of the next meeting, ladies and gentlemen, is entirely in the purview of those who will sit on the Members' Services Committee in a postelection environment, in a post-reconvening of the Legislative Assembly environment. This committee will be elected in the future, so it will have to determine when it will sit and how and why.

Do I have a motion to adjourn? Mr. Campbell. Others? Mr. Amery. All in favour? Thank you so much.

It's been a real thrill working with you for all these years.

[The committee adjourned at 10:22 a.m.]

