

[Chairman: Mr. Stewart]

[7:30 p.m.]

MR. CHAIRMAN: Order please. Welcome, all you members of this special committee. The Chair declares a quorum in accordance with section 53(4) of the Standing Orders. The agenda is before you, and moving to item 2 on the agenda, the Chair would entertain a motion to confirm the appointment of Mr. Michael Ritter as counsel to the committee and Miss Ann Conroy as clerk of the committee.

MR. OLDRING: I would move, Mr. Chairman, confirmation of Mr. Michael Ritter as counsel to the committee and Miss Ann Conroy as secretary to the committee.

MR. CHAIRMAN: Moved by Red Deer South. All in favour.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Contrary? I declare the motion carried.

Item 3 on the agenda. Just before calling for a motion in that regard, I think on second look at the agenda, particularly item 7(g), General Application of House Rules, it might be more appropriate to bring it up to the top as 7(a). With that change the Chair would entertain a motion approving the agenda for the organizational meeting.

MR. HYLAND: Mr. Chairman, I would move that we approve the agenda as amended.

MR. CHAIRMAN: All in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Carried.

In moving through the next three items of the agenda, the Chair intends to just take a few minutes of the committee's time to review the general authority of the committee, the terms of reference, and the nature of committee proceedings.

First of all, the general authority of this committee. The Chair wishes to place before the meeting certain authorities that bear on the authority of the committee, and firstly, for the record the Chair would point out that the Committee on Privileges and Elections, Standing Orders and Printing is duly constituted pursuant to Standing Order 49(2). Secondly, the chairman, the deputy chairman, and the members of the committee were constituted by motion of the Assembly or indeed a report of the committee on March 19, 1987. Thirdly, the general authority of the committee as to its own rights, immunities, and powers is established by subsection 9(1) of the Legislative Assembly Act. Fourthly, I would like to refer to a couple of references from *Beauchesne* which focus on the general authority of such a committee. Firstly, *Beauchesne* section 620, which confirms the general authority of this committee, and also refer you to *Beauchesne* 569(2) which confirms that the committee receives its authority from the Assembly itself.

Item 5 on the agenda, Terms of Reference. The Chair also wishes to make some comments with respect to the terms of reference of this committee. The comments are made because the Chair has concluded that there is considerable apparent misunderstanding, certainly, as to some matters that are properly before this committee for inquiry, consideration, and report. And by way of authority on the subject the Chair would refer members to *Beauchesne* 621(1) which establishes the proposi-

tion that the committee can only consider those matters which have in fact been committed to it by the Assembly. Furthermore, the Chair would also cite *Beauchesne* 621(2), which emphasizes the point that the committee is bound by the orders of the reference and is not at liberty to depart from it.

For the record I would request the clerk to read Motion 9 of the Assembly which establishes the terms of reference for this committee.

MISS CONROY:

Be it resolved that the following matters be referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing:

- (1) whether or not a question of privilege arises when the proceedings of the Assembly are conducted solely in English;
- (2) whether or not the hon. Member for Athabasca-Lac La Biche has breached the privileges of the Assembly in remarks while speaking to a question of privilege at pages 636 and 637 in *Alberta Hansard* on April 7, 1987, or in his letter to the Honourable Speaker of the Assembly on April 8, 1987, or in remarks in the Assembly on April 10, 1987, or in respect of any other matter in connection therewith;
- (3) should a breach of privilege be determined by the Committee to have occurred, to make such recommendations to the Assembly as necessary to provide for reparation or to supply a remedy; and
- (4) any other question that the Committee deems is related to the matters of privilege arising under Question 1 and 2 of this motion and the Speaker's statement to the House as contained in pages 697-701 of *Alberta Hansard* on April 9, 1987.

MR. CHAIRMAN: Thank you.

The Chair would therefore respectfully suggest that the primary purpose of this committee, as established by those terms of reference, is to determine whether or not privileges have in fact been breached. Its primary purpose is not to conduct a full-scale inquiry into the questions of whether or not this Assembly should adopt any new or different approaches which would govern its proceedings in the future. The primary purpose is to deal, as I say, with questions of privilege of members of this House and of the House itself, all in accordance with those terms of reference.

However, the Chair would acknowledge, of course, that in accordance with the terms of reference, paragraph 3 of the motion that was read, it is in order for the committee to make certain recommendations to the Assembly that relate to recommendations that relate to the breaches of privilege, indeed if they are so found.

However, this does not derogate from the primary purpose of the committee as determined by the reference, namely to take up the questions of privilege which have been properly referred to it. In doing so, the Chair would respectfully suggest that the committee must examine the alleged breaches of privilege in the light of the present circumstances which govern the rules of procedure of the Assembly; in other words, a snapshot approach. In other words, the question of privilege can only be determined in the light of the statutes, orders, precedents, and traditions which govern our proceedings in the Assembly as at the time of any alleged breaches of privilege.

One other reference which the Chair would draw to the attention of all members and which bears on the committee's consideration of these matters is section 570 of *Beauchesne*, which reads:

It is the duty of all committees to give to the matters referred to them due and sufficient consideration.

I think that particular reference stands on its own as to its importance.

I move now to item 6 on the agenda, the Nature of Committee Proceedings, and make a comment or two in respect to that item. This committee is somewhat different from any other committee in nature. The Assembly itself, of course, enjoys a special status in the context of the parliamentary system. Section 8 of the Legislative Assembly Act gives it "exclusive jurisdiction" in the determination of, firstly, "lawfulness of its proceedings" and, secondly, "the regulation of its proceedings and the conduct of its business." In the exercise of its jurisdiction and its powers in questions of privilege, section 12 of the Legislative Assembly Act constitutes the Assembly as a court. *Beauchesne*, section 18 reinforces that special character by referring to Parliament as "a court with respect to its own privileges and dignity and the [proceeding] of its Members." And, further, *Beauchesne*, section 21 reads in part:

The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and to enforce them.

The Assembly has delegated certain authority to this committee, and the Chair respectfully suggests that the committee is indeed a court for the purposes of determining such matters as have been referred to it, and therefore the committee has a special nature which should characterize its proceedings.

Also under this particular item on the agenda, I think it is perhaps appropriate that we deal with the matter of the proceedings and as to whether or not those proceedings will be open or held in camera. In this regard, the Chair would refer members to section 628 of *Beauchesne* which states:

(1) A committee . . . has the right to sit in private and have its proceedings protected by privilege. . . .

The final decision of whether to sit in camera, however, rests with the [committee] members.

In addition, the Chair refers members to section 112 of the Standing Orders, and that section provides that the recording and broadcasting of proceedings of the committee is at the discretion of the chairman, who may set certain conditions.

With the consent of the meeting, the Chair would suggest that the proceedings of the committee be open to the public and the media unless and until such times as the committee resolves to go in camera and further that the access of the media, broadcasting, or televising, would be subject to the same rules and conditions as exist for the Assembly itself. And perhaps I would request a motion on that particular point.

MRS. OSTERMAN: I so move.

MR. CHAIRMAN: Three Hills, thank you. All in favour of that motion?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Thank you. The motion is carried.

Item 7. This is the section of the agenda relating to the procedure of the committee, and perhaps it's appropriate to point out that certain matters of procedure are determined by the

Standing Orders of the Assembly, others are a matter of precedent, and still others are to be determined by the committee itself.

We move to the change in the agenda, item 7, which now appears as (g). We will consider that first, general application of the rules, and in that regard I would just point out Standing Orders of the Assembly, 62(1), which states that:

The standing orders of the Assembly shall be observed in the committees of the Assembly so far as may be applicable.

So it would appear that the general rules of procedure that govern us are the Standing Orders of the Assembly.

Quorum: this is determined by Standing Order 53(4), a quorum being one-third of the members present.

Production of documents and papers: the Chair would refer the members to section 14(1) of the Legislative Assembly Act which provides that any witness who may be produced may be required by the committee to produce any documents or materials which the committee considers necessary in any of its proceedings. As well, I would cite *Beauchesne* section 625(1). This provides that the committee may send for any papers relevant to the terms of reference, and basically the power of the committee in that regard is unlimited. *Beauchesne* section 625(2) outlines the procedure, namely that the committee would adopt a motion ordering the production of such documents. So it would appear that the procedure that relates to the production of documents and papers is established by the authorities that I have read to you.

Are there any questions or comments with respect to that particular item or procedure? If not, we will move to item 7(c), Production of Witnesses. Again the Chair would refer members to section 14(1) of the Legislative Assembly Act, which provides that a motion of a committee is necessary in order to order the production of a witness. And if the committee determines, a warrant or subpoena can be obtained from the Speaker under Standing Order 66.

A further reference, I think, is important to cite in respect to this particular matter, namely *Beauchesne* section 629, which provides:

Only the committee, by a majority, can make a decision as to which witnesses should be called.

MR. WRIGHT: Which notation was that?

MR. CHAIRMAN: *Beauchesne* 629. Are there any questions or comments generally on the production of witnesses?

MR. WRIGHT: I have a comment. While section 14(1) is plain that the Assembly, or a committee of the Assembly, may by order summon before it a witness, it doesn't say that's the only way of getting a witness before it, but would you interpret it as such?

MR. CHAIRMAN: Section 66(1) of the Standing Orders I think also is a reference in that regard.

No witness shall be summoned to attend before any committee of the Assembly except by order of the committee or the Assembly.

MR. WRIGHT: Yes. That's the same thing. You can't summon a witness except by order of the Assembly. But a witness can turn up and, I suppose, it's up to the committee to decide whether to hear that person or not.

MR. CHAIRMAN: Yes, I think a motion approving that witness is necessary by virtue of the authorities that I cited.

MR. WRIGHT: By those two authorities?

MR. CHAIRMAN: Those two authorities . . .

MR. WRIGHT: With respect, Mr. Chairman, I would disagree with you probably on that, but I don't think it amounts to anything. I'm sure we can work it out.

MR. CHAIRMAN: Two authorities, plus *Beauchesne* 629 provides that:

Only the committee, by a majority, can make a decision as to which witness should be called.

MR. WRIGHT: Oh, that's better. That's 629?

MR. CHAIRMAN: As quoted earlier.

MR. WRIGHT: Oh sure. Then I agree with it. That's just the committee, while it's sitting, can say, "Sure; we'll hear the next person." It doesn't talk about an order.

MR. CHAIRMAN: I was tying in the order with that decision and translating it as a motion would be required.

MR. WRIGHT: Yes, I doubt whether that's necessary, but I'm sure it doesn't amount to anything in this case.

MR. CHAIRMAN: Okay. We'll take note of your comments, Edmonton Strathcona, and if we get into difficulty later on, we'll refer the matter to counsel.

MR. WRIGHT: Okay.

MR. CHAIRMAN: Okay then, item 7(d), Examination of Witnesses. The procedure for the examination of witnesses is to be determined by the committee. I think it should be recognized that members may wish to produce expert witnesses on certain matters as well as witnesses as to facts. And it may, therefore, be appropriate to consider these classifications separately, and in terms of the time allotment and perhaps as well the procedure to be followed. The Chair is aware that certain expert witnesses may be called by the committee on those aspects of constitutional law that do bear on privilege, and the Chair would be open to a motion on that regard.

MR. SCHUMACHER: Mr. Chairman, with respect to expert witnesses, I'd like to propose a motion for consideration by the committee and that would be as follows: that when expert witnesses are called, the meeting of the committee shall last for two and a half hours and each such expert shall have up to 30 minutes for the presentation of evidence, to be followed by examination by counsel to the committee and then by members of the committee who shall be allowed an opening question and two supplementaries before falling to the bottom of the list of questioners. That's the motion.

With regard to the time, I've suggested two and a half hours, which I think should be as a normal meeting time for our committees, but, of course, it would be up to the committee to extend if circumstances arose during the course of that meeting. I think the suggestion with regard to questioning has been gener-

ally followed by the Public Accounts Committee, the heritage fund committee, and other committees of the House.

MR. CHAIRMAN: Are you suggesting that the possibility of extension with the consent of the meeting be part of your motion as well?

MR. SCHUMACHER: No, I would suggest that we set it at two and a half hours, but I think all members should understand that the committee pretty well has the control of its own proceedings thereafter.

MR. CHAIRMAN: Okay. Moved by Drumheller. A question to be considered?

MR. WRIGHT: Yes, the two and a half hours' limit seems reasonable with respect, Mr. Chairman, but the 30 minutes for the opening might cramp the presentation of an expert witness, possibly, because the expert witnesses we're talking about are on constitutional law. As the speech of the Speaker himself in making his ruling from which this all arises indicates, there is a fair number of years and points to be covered. So I have no objection to a target of 30 minutes, providing we can rely on the good sense of the committee to say, "Well, sure; carry on a bit longer," if the particular witness is clearly not repeating himself or herself and progressing with a relevant presentation. Can we rely on the good sense of the committee for that? That's the only problem I have, the 30 minutes for the openings.

MR. FOX: We're dealing with three things in the motion. One is the suggestion as to the length of time of our meetings. The other is the suggestion as to the number of supplementaries that any member of the committee might ask expert witnesses following their initial question before dropping to the bottom of the list. The third is the recommended length of time to allow expert witnesses for testimony. Might I suggest that we deal with those as three separate issues, and perhaps we could come up with something that's acceptable to all.

MR. CHAIRMAN: Is the mover willing to amend his motion in that regard?

MR. SCHUMACHER: I'm willing to amend it into (a), (b), and (c); (a) would be that for meetings of the committee where expert witnesses are called that the normal time for the meeting would be two and a half hours. If we want to deal with that question, we can do with it, and then I can . . .

MR. CHAIRMAN: You want to debate it in part and vote on it as a motion? Is that your suggestion?

MR. SCHUMACHER: Yes.

MR. WRIGHT: No, the other way around.

MR. CHAIRMAN: By parts, voting on it by parts.

MR. WRIGHT: Yes.

MR. CHAIRMAN: Other speakers on that, on the suggestion made?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Okay. Then we will divide the motion into the three parts as suggested by the Member for Vegreville. Are there any other speakers on the motion?

AN HON. MEMBER: It's two and a half hours, isn't it?

MR. CHAIRMAN: Yes, the first section then is the length of time being two and a half hours.

HON. MEMBERS: Agreed.

MR. SCHUMACHER: The next part would then allow for up to 30 minutes for the presentation of evidence.

MR. CHAIRMAN: Are you agreed?

SOME HON. MEMBERS: Agreed.

MR. WRIGHT: Well, no, just a minute. This is where I have some difficulty, Mr. Chairman. You and I both, I guess, coming from a court milieu, are not used to limits like this. We are used to a situation in which the presiding officer, a judge usually, has the power to bring the witness back to the point if he or she is straying or even to prod them along, you know. But it seems to me that this is somewhat artificial. It's not like rules in debate, which we are used to and where 30 minutes is obviously reasonable. The person may be one of the chief constitutional experts in the land on a very serious matter with something very considerable turning on it. Because although I agree that we are here to consider the question of privilege of a certain member in asking a question in French, the evidence given and the conclusions reached may have repercussions which will lead onto something else.

So I would speak against such an artificial and distinct limit and would prefer to see something like the right of the committee, which perhaps exists anyway, to ask a particular person to conclude their remarks on the first presentation when it seems appropriate to do so. Now, that might be less than 30 minutes; it might be more than 30 minutes. But I just have some difficulty in the artificiality of this, and if there is some way that we could not limit it so precisely, I would much prefer to see that, Mr. Chairman.

MR. CHAIRMAN: I suppose the concern would be that if you don't have some sort of limitation, then one expert witness could virtually dominate most of the time, thus leaving no time for questioning.

MR. HORSMAN: Mr. Chairman, I appreciate the concern raised by the Member for Edmonton Strathcona, but I think that the idea of limiting the initial evidence to 30 minutes is useful in the sense that that is the limit that most members have in the course of debate to present their case. But I would suggest that the hon. member has raised an issue that the committee is always free to extend the time by motion and during the course of the presentation if it appears that extra time is needed. But I do think we should be encouraging those witnesses who come before us to keep it short and then be prepared to answer questions that may be posed by other counsel or members of the committee, and we'll come to that part of the motion which has now been split subsequently. But I think it'll be a reasonable time, and it'll be notice to people to hone their arguments to a finer edge than to just expect to come and speak endlessly. I think

there should be some reasonable time limits, and I think 30 minutes is appropriate.

MR. CHAIRMAN: Thank you.

MR. SCHUMACHER: I do think my learned friend from Edmonton Strathcona made reference parallel to law courts, and I think some of the appellate courts on the continent now are requiring counsel to put forward their argument within a fairly short period of time.

MR. WRIGHT: Oh yes, that's where they have factums, Mr. Chairman.

MR. SCHUMACHER: Well, of course these people will have notice of the meeting, and they can prepare their equivalent of a factum, I believe.

MR. HYLAND: Mr. Chairman, perhaps with a time limit then we'll get the experts taking a rifle approach to the subject rather than a shotgun approach to the subject. I'm sure with the many members around here, with the ability to ask -- if the remainder of the motion passes -- one question and two supplementaries, they can then have their expert with a little questioning fulfill a lot more than half an hour's time frame in putting out his case.

MR. WRIGHT: Mr. Chairman, I wonder whether a friendly amendment might be in order, that expert witnesses will be expected not to exceed 30 minutes in their opening statement and should not do so except for good reason, and leave it to the Chair to decide that. Would that be okay?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Okay. All in favour of that portion as amended?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Carried.

MR. FOX: Mr. Chairman, on a point of order, I know in the Assembly that all members are required to vote on issues. Is that true of committee as well, or can members abstain? If not, should we have ayes and nays with each vote just so we can . . .

MR. CHAIRMAN: I'm advised by counsel that members are not compelled to vote in committee.

MR. FOX: Should we have the aye or nay?

MR. CHAIRMAN: Unless it's otherwise determined by the committee itself who can set its own procedures.

MR. FOX: I mean we should have aye and nay after each vote in case there are some dissenting votes on these issues.

MR. CHAIRMAN: Very good. Thank you for pointing that out. I'm going by sight here rather than sound. Okay. Then would you proceed with the third part of the motion then, Mr. Schumacher.

MR. SCHUMACHER: The third part, Mr. Chairman, then re-

quires that after the presentation of the evidence by the expert, committee counsel will then examine that witness, to be followed by members of the committee, who shall be allowed an opening question and two supplementaries before falling to the bottom of the list of questioners.

MR. CHAIRMAN: Any speakers to that portion?

HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour of that motion, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: Contrary? No. Carried.

That sort of takes care of the examination procedure with respect to expert witnesses. I presume it might be in order to consider a procedure with respect to witnesses as to fact as opposed to expert witnesses. Is there a motion in that regard?

MR. SCHUMACHER: Could the same rules apply?

MR. CHAIRMAN: Yes, we could have a witness have an opportunity to make a statement for a period of time, perhaps 30 minutes, and then questioning by counsel would probably be appropriate, followed by questions from the members.

MR. SCHUMACHER: I would move that the rules that we adopted for experts apply to all our witnesses.

MR. CHAIRMAN: The motion is before you. Any discussion? All those in favour of that motion by Drumheller?

HON. MEMBERS: Aye.

MR. CHAIRMAN: Contrary? The motion is carried.

Just on that point, I've been advised by counsel that there's nothing in the Standing Orders that compels a member of the committee to vote unless the committee determines otherwise.

On item 7(e), Debate: the Chair would propose that in accordance with having adopted the general rules of procedure for the Assembly, this would cover the aspects of debate that would be of concern to us. Standing Order 62(1)(a) provides that "a member may speak more than once," and the normal rules of debate in the Standing Orders provide for, as you know, the 30-minute limit.

The Chair would propose that we follow the recognized procedure that takes place in Committee of Supply, where a list of speakers would be noted in order that the Chair recognize them. In the event that a member wishes to speak a second time, they would then go to the bottom of that list. Perhaps it would be appropriate to have a motion confirming that particular procedure.

MR. WRIGHT: So moved.

MR. CHAIRMAN: Moved by Edmonton Strathcona. Any debate on that question?

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour, please say aye.

HON. MEMBERS: Aye.

MR. CHAIRMAN: All those against, say no. The motion is carried.

7(f) of the agenda, Order and Decorum: the Chair wishes to point out certain authorities in respect to this particular item on the agenda. Firstly, *Beauchesne*, section 606(2) provides that:

(2) The Chairman of the Committee is responsible for order and decorum in the committee.

Beauchesne section 606(1), provides that:

(1) Disobedience to the orders of the committee . . . is a contempt of the House by which the committee was appointed.

Beauchesne 607(1) provides that:

(1) All decisions of the Chairman may be appealed to the committee.

And *Beauchesne* 608 provides that:

Procedural difficulties which arise in committees ought to be settled in the committee and not in the House.

So having cited those particular citations from *Beauchesne*, I don't think that anything further is required under that particular heading on the agenda.

7(h) on the agenda, Record of Proceedings: again, I'd just like to point out the references in *Beauchesne* that are pertinent to that particular heading. First of all, *Beauchesne* 613(3) provides the verbatim report of the debates of the committee can be undertaken by *Hansard*. *Beauchesne* 613(2) provides that:

(2) The *Minutes of the Proceedings* are prepared and signed by the Clerk of the Committee and record the proceedings of the committee.

Beauchesne 615 provides that:

The Clerk of the Committee is responsible for the safekeeping of all the papers and records of the committee.

Again, I don't believe there is any further matter that is required for our procedures on that particular point.

7(i) is the usual category of "other". If there are other items of procedure which any member feels are pertinent to our proceedings, I would ask him to bring them forward at this time. If not, we will move on to item 8 on the agenda, which is Counsel to Committee, to provide a brief to the committee on the matter of privilege.

MR. RITTER: Thank you, Mr. Chairman. I keep running out and back and forth because the copies for the members of the committee are now being printed by the photocopiers, and there seem to be a numbers of jams. Of course, when you need something in a hurry, it never comes in on time.

I also went out to check one other thing as well from another source, regarding the voting of the committee. I understand there has been a long practice within the committees where members are not entitled to abstain; otherwise, they must leave the Chamber. Now, of course, that can be changed by the committee, but it has been the practice of all members to vote in committees, so I would like to amend that last comment I made.

In any case, Mr. Chairman, I do have in front of me, I think, enough copies for the members of this committee regarding a brief which was prepared for the purposes of this committee. It relates almost exclusively to matters of privilege and the relationship between legal points and points of privilege. Rather than going into any great detail on what the brief includes, Mr. Chairman, with your permission I would like the opportunity to

distribute these for the members. It is a rather large brief, 13 pages. I think it's just so involved that I would rather prefer the members have a chance to peruse it and perhaps direct any questions they might have about the brief. It's in a question and answer format. Hopefully it will make for some easy reading on what tends to be a very involved and difficult area of law.

MR. CHAIRMAN: Any questions of counsel from any of the members? If not, are you agreed that the brief be tabled?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Okay, that is declared. Item 9 on the agenda is Motions for Orders of Production of Witnesses. If there are any motions to be made at this time for the production of witnesses for our next meeting . . . In that regard -- and we will be coming to that particular heading on the agenda about the next meeting -- assuming that the next meeting could encompass the type of meeting the Member for Drumheller was describing for expert witnesses, perhaps in the area of constitutional law, because that would seem to fit into the number one reference, I have not at this point in time had an opportunity to fully explore the times that might be available for us, as I will describe later on, but I'm hopeful that we might be able to meet perhaps as early as next Tuesday evening. If that is the case, if we were to be able to meet next Tuesday evening, then it may be an appropriate time to move to that particular format for hearing of the expert witnesses on the subject of the constitutional aspects of privilege. If that were the case, then it may be appropriate, Edmonton Strathcona, if you wish, to make a motion relative to the production of witnesses for that particular meeting.

MR. WRIGHT: Yes. First of all, what kick-off time had you in mind?

MR. CHAIRMAN: I would suggest that we convene all of our meetings at 7:30. Given the two and a half hour time framework, that would give us a 10 o'clock adjournment.

MR. WRIGHT: Mr. Chairman, since we didn't know the date, I can't tell you which of the people we had in mind will be available on Tuesday next.

MR. CHAIRMAN: Well, I'm just guessing it'd be Tuesday. If you wish to make a motion that the witnesses you propose would be produced at the next meeting of this committee, I would think that would be in order.

MR. WRIGHT: Well, I certainly would intend that to be the case, Mr. Chairman, at least the first one or two, assuming it's a two and a half hour meeting.

MR. CHAIRMAN: Would you like to make your motion, then?

MR. WRIGHT: Yes, I move that the committee accept a witness to be introduced on the terms set out in our motion so far at the next meeting of the committee. Do you want it more specific than that?

MR. CHAIRMAN: Well, I would have thought the motion with respect to the production of witnesses would have been: "I move that so and so appear before this committee," et cetera.

MR. WRIGHT: Well, that's the problem. Not having known when it's likely to meet, I can't . . .

MR. CHAIRMAN: I'm talking about the meetings as opposed to the date.

MR. WRIGHT: Oh, I see. Again, I'm in a slight difficulty, Mr. Chairman, on that. We have a bit of logistics to attend to.

MR. CHAIRMAN: Very well.

MR. FOX: Mr. Chairman, I'm wondering, if we establish a meeting time on Tuesday, does that mean the Assembly can't sit at the same time?

MR. CHAIRMAN: Yes, it cannot sit at the same time.

MR. FOX: We'd be looking at Tuesday nights as a standard time, or is that . . .

MR. CHAIRMAN: That, unfortunately, has not yet been resolved. I will have to have some conversation with the Government House Leader and the other House leaders and check on *Hansard* and the other aspects of conducting these meetings, so no firm decisions have been made. I'm just indicating to you that it would be my hope that we might be able to meet as early as perhaps next Tuesday. In that regard, if we were to meet on, say, Tuesday, it would be nice to be able to have the motions as to the production of witnesses ahead of time so that they could be here and we could move directly into their evidence. That was the purpose of my . . .

MR. WRIGHT: Be assured that we will have the requisite witness or number of witnesses when we resume, but I can't tell you at this point who it will be for sure.

MR. CHAIRMAN: All right, then. In that case what we would do is to proceed to the motions first at that time and move directly from there, on a favourable vote, to hear those witnesses.

MR. GIBEAULT: Mr. Chairman, are there any constraints preventing the committee from meeting mornings on weekdays -- Monday or Thursday, perhaps -- rather than evenings.

MR. CHAIRMAN: There are no constraints I'm aware of other than the availability of *Hansard* and the fact that we must not meet at any time when the Assembly is sitting and, of course, the availability of the Chamber itself.

MRS. OSTERMAN: Mr. Chairman, not having sat or been a part of these kinds of proceedings before and recognizing, as I understand from the discussion this evening, that witnesses are ordered by way of motion, hopefully it wouldn't occur. But if there were a discussion about the appropriateness of a particular witness or what it is they would bring to the committee -- and I suppose that is possible -- would it be in order to suggest that the hon. member, for instance, meet with the chairman? Could the chairman canvass ahead of time? Is that appropriate to be discussed here so that we know that it would be cleared?

I don't think it would be very good to have people come, expect to appear before the committee, and then there to be a protracted discussion of some kind, and then it not occur or not occur as expeditiously. I for one wouldn't mind being can-

vassed ahead of time to say yes, it's appropriate; I would be supportive of such a motion tomorrow night, two nights hence, or whenever the information was available.

MR. WRIGHT: I don't mind making an informal promise to run the people past you, Mr. Chairman. If you think there's a problem, then we'll work on it.

MR. RUSSELL: Mr. Chairman, I just had a comment and then a question in response to Mr. Gibeault's question about couldn't we meet at some other time. It's not only availability of supporting services in this Chamber and the times when the House is sitting. I think all caucuses have the problem of trying to fit our other meetings in as well. And that's only a comment I make. There are a number of standing government meetings such as cabinet and priorities and cabinet committee meetings as well as caucus functions. So I think the chairman has done a good job in suggesting evening meetings, that being a flexible time that the whole Assembly has.

But I'm a little bit intrigued by the possibility of mystery witnesses suddenly appearing. Couldn't we, at least for our next meeting, consider, say, the Member for Athabasca-Lac La Biche and the Member for Edmonton Highlands. I don't know if you're planning on calling them as witnesses, but that could perhaps be determined.

MR. WRIGHT: I don't think we will, but if the committee wants to have them, that's the right of the committee. So if we want to make a motion now to summon them, that's our right.

MR. HORSMAN: Mr. Chairman, I was just wondering about how to set this in the proper context. We've had a brief on privileges, which we haven't had the opportunity to read as yet. But it would seem to me that we would be better to hear from those experts, so-called -- I'm not being unkind; I don't mean that -- that will be produced, to have this said in the context before we get down to the specific cases as to whether or not the privileges of the Member for Athabasca-Lac La Biche have been breached or whether or not he has breached the privileges of other members of the Assembly or the Assembly itself or whether the Member for Edmonton Highlands, in any of her conduct, may have done something to breach the privileges of the Assembly and so on. So I think we should try and get the experts before us before we get down to the case, so to speak. I think that's what we're trying to get at. And I'm a little concerned about mystery witnesses as well, but I guess we're certainly not going to deny anybody who has anything useful to add.

MR. WRIGHT: We aren't being coy; we just haven't nailed down the people we have in mind and the times and the terms and that sort of thing. That's all.

MR. HORSMAN: In an informal situation relative to a dialogue -- and perhaps I'm jumping ahead a little bit, looking at the Dates and Hours of Sitting, which you have as item 11. Maybe I could pursue it on an informal basis with other members of the committee. It might be useful to have the meetings called on a minimum of 24 hours' notice by the chairman, delivered and so on, and as the chairman has indicated, aim at next Tuesday evening at 7:30. Would that be helpful to the Member for Edmonton Strathcona if we were to sort of . . .

MR. WRIGHT: One of our proposed witnesses comes from a considerable distance, and the other one is a very busy man. So it would be helpful to have a definite date a little while in advance. How likely is Tuesday next?

MR. CHAIRMAN: Well, I think I could probably confirm that as early as tomorrow morning and then advise all of the committee on an informal basis and then follow that with proper notice.

MR. WRIGHT: I hope we will be able to tell you our menu by Friday noon.

MR. CHAIRMAN: Okay. Well, I think that would be a good arrangement, and then we can proceed from there. Are there any other comments on that? Is that procedure agreeable to the committee?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Okay. Item 10 is the -- oh, I should have asked on item 9: are there any motions for production of witnesses from any other members? Okay.

Item 10, Production of Documents and Papers: the Chair, with the consent of the meeting, would table and provide a copy to all members of the four documents that are listed on the agenda, those being the four specific documents that are referred to in the terms of reference. With the agreement of the committee, I would tender those documents for consideration of the committee.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Are there any motions by members with respect to the production of any other documents or papers?

There being none, we will move to item 11, Dates and Hours of Sitting. Our informal discussion with respect to that particular item on the agenda -- I think it's pretty well been canvassed. As members have pointed out, there are a number of factors that will give some difficulty to the matter of setting dates and hours. I think there is a common objective to proceed expeditiously and to have this matter duly considered. The Member for Medicine Hat has mentioned the possibility of having this established on some form of the Chair being able, on 24 hours' notice -- are you proposing a motion in that regard?

MR. HORSMAN: Well, I could. I was trying to sort of canvass on an informal basis. But with the view in mind, I would think, of trying to meet next Tuesday evening at 7:30, I would move that the committee meet at the call of the Chair on at least 24-hours' notice in writing to each member of the committee at the appropriate times.

MR. CHAIRMAN: Is there any discussion on that motion?

MR. HORSMAN: Preferably at 7:30 in the evening, but I hope that would be understood. I will leave that out of my motion, however.

MR. M. MOORE: Mr. Chairman, I certainly support the motion that the Chair be allowed to call a meeting on at least 24 hours' notice. But it would be extremely helpful, I'm sure, to all members if at the time of the first meeting we were able to lay out some schedule of meetings, because many of us have other com-

mitments that are oftentimes difficult to break on 24 hours' notice. And if we had some idea from House leaders and yourself as to what evenings we might meet and were able to schedule ourselves some days in advance, it would be helpful. I support the motion, but hopefully that can be arranged.

MR. FOX: I'd just like to suggest, Mr. Chairman, that we get some sort of consensus from the committee that evenings are obviously the best times for us to meet. If we're not here, we'd be in session. So we're here anyway, and it doesn't conflict with other things we have going.

That being the case, it leaves us only three possibilities: Monday, Tuesday, or Thursday. Perhaps in the discussions you have with the House leaders, we may be able to have a standard evening set. If Tuesday next is to be our meeting, then it may be possible to view Tuesday evenings as the night this committee meets. I'm not sure if that is possible within the . . .

MR. CHAIRMAN: Just one comment on that, perhaps. We've got a motion on the floor here that we might call a question on, unless there is any other debate on that.

SOME HON. MEMBERS: Question.

MR. CHAIRMAN: All those in favour of the member's motion?

HON. MEMBERS: Aye.

MR. CHAIRMAN: Noes? Carried.

Just commenting on the hon. Member for Vegreville's comments relative to these evening meetings, I will certainly explore every avenue, first of all, to give as much advance notice beyond the 24 hours, and I would imagine that there is a consensus of the committee to give priority to the evening. If we do meet in the evening, I would suggest that perhaps 7:30 is a more appropriate hour than 8 o'clock. Are there any other comments or

suggestions from any members?

MR. HORSMAN: I'd just like to comment on the Member for Vegreville's remarks about Monday, Tuesday, and Thursday only. Actually, it would seem to me the committee can meet on Wednesday evenings as well, as we are tonight, or Fridays. I don't think any of us are anxious to do that particularly, but we can do that. I would think the preferred times would be the ones laid out, but Wednesday night is available and not taken up normally by House sittings. So that is always an option. I just wanted to make that point.

MR. CHAIRMAN: Very good. Are there any other points with respect to item 11, then?

MR. WRIGHT: The trouble about Wednesday, of course, is that nearly every one of us have scheduled things in our constituency and elsewhere on Wednesday.

MR. HYLAND: Some of us are a long ways from our constituency, and we don't always schedule things Wednesday night, hon. member.

MR. CHAIRMAN: Are there any other items to be raised before this meeting under item 12 of the agenda? If not, I will call for a motion for adjournment.

MR. RUSSELL: I so move.

MR. CHAIRMAN: All those in favour?

HON. MEMBERS: Aye.

MR. CHAIRMAN: Against? Carried.

[The committee adjourned at 8:30 p.m.]