

2:30 p.m.

Tuesday, April 6, 1993

[Chairman: Mr. Gogo]

MR. CHAIRMAN: Let's call the meeting to order. The first item, Corinne, the initial scheduling of meetings. Do you have a copy handy? We were trying to find a copy. I thought I had it in front of me. We want to try and determine next week. Bettie, this only takes us until this Friday.

MRS. HEWES: Okay.

MR. CHAIRMAN: We've got this week in place. What we should deal with is next week. I was saying a few minutes ago that we should endeavour to have the maximum number of meetings we can before the House sits. The rumour is of the House sitting on the 22nd. Nothing formal has been done about it to my knowledge. Next week, Kurt, according to what I've received in my office, a government caucus will be over at noon, so I would certainly recommend, being that people are in town – that leads up to what do we do about the 13th, 14th, and 16th. I don't know what the other members . . . I'm fearful that if we don't get these meetings in now, we're not going to get them in. I look at the items, the forthcoming issues – access to information, whistle blowers, and so on – and I would like us to have the sort of discussion we had Friday last about the free votes. We didn't really conclude that. I'd be prepared to meet the afternoon of those days, but I want to accommodate you people.

Now Kurt's schedule. He's running for nomination, as you know. His nomination is next Thursday, is it not?

MR. GESELL: Yes.

MR. CHAIRMAN: So I'm sure we all understand that your schedule, Kurt . . .

MR. GESELL: Well, Mr. Chairman, I can make it for the 13th and 14th, but I've made previous commitments for the 15th and 16th.

MR. CHAIRMAN: Yeah, I understand that.

MRS. B. LAING: I could be here in the afternoons, Mr. Chairman, if we keep to 2 o'clock.

MR. CHAIRMAN: Of 13 and 14?

MRS. B. LAING: Uh huh.

MR. CHAIRMAN: Okay.

How about you, Bettie, in terms of next week?

MRS. HEWES: As I said before, I don't have my calendar. Can I borrow a calendar? What do those days look like? That's Tuesday, Wednesday, Thursday, Friday. Wednesday is out for me, but Tuesday, Thursday, and Friday, as far as I recall, are all right. I think I tentatively booked them all.

MR. CHAIRMAN: Okay. The ND caucus is the same day as the government caucus, so I'm sure they come in for that anyway. I'm sure the ministers are all right, certainly on the 15th. Well, let's tentatively look at the whole week: Tuesday, Wednesday, Thursday, and Friday.

MRS. DACYSHYN: At 2 o'clock each day?

MR. CHAIRMAN: Yeah. I don't want to cut into members' times. We can always cancel them. We will know in a minute from Lisa as to what these other people are doing, I guess.

Let's return to – Bonnie didn't have the advantage. I don't know whether you've read the transcript from Friday, Bonnie. It's been distributed now. The whole question of so-called free votes or relaxation of party discipline and procedures is in our material under tab L. We got into such things, as I recall – well, I think I've raised them. One was electronic voting, where everybody is recorded. Bob Hawkesworth and Bettie Hewes, who have had experience with city councils, have been through that before. I just draw your attention to the pros and cons of other jurisdictions under tab L in your manual. We spent a bit of time, Bonnie, on free votes in the context of the election of Speaker, and we have an experience now with the Deputy Chairman of Committees on a free vote by virtue of the fact it was secret ballot. One member suggested that perhaps secret ballot should be considered on legislation. That was torpedoed very quickly in that public business must be seen to be done in public, and secret ballots are not something that would be suitable for legislation. We must do things, of course, in context with Standing Orders, which we haven't dealt with. We may even talk a bit about Standing Orders today, but they don't allow for members not to vote one way or the other.

Have you gone through the transcript, Kurt?

MR. GESELL: Yes. I think you've covered it.

MR. CHAIRMAN: I'm just wondering: are there other items to bring Bonnie up to date on? That's all.

MR. GESELL: There was a major discussion with Bob Hawkesworth with respect to where decisions are made, which I found very interesting.

MR. CHAIRMAN: Well, as you recall, there was some discussion by either Brian Evans or Bob Elliott about the standing policy committees. The Member for Edmonton-Gold Bar made reference to the fact that she had attended one of them, but who was kidding whom about it being, I think, free votes. As I recall, Bettie, you said that it wasn't a forward step; it was a side step, or something like that.

MRS. HEWES: Uh huh.

MR. CHAIRMAN: Well, I'm sure it's no secret to anybody that he who controls the government controls the House. It's how it's done. I sense that one of the very positive things with dealing with free votes is that if it's a vote of confidence and somebody construed the budget votes as votes of confidence, there's no question how those votes would go. The party Whips would dictate that. But there'd be a lot of other items, and the beneficial effects of things like free votes and so on would be reflected in innovative and creative ideas and, I think, increased attendance and that type of thing, as I recall. Do we want to spend more time on the question of free votes?

Do you have any points you want to raise, Bonnie, about this whole matter? How do you feel about so-called . . .

MRS. B. LAING: I really haven't gone through the whole transcript, so I'm not sure. I feel that certainly free votes should be available to members on private Bills and members' private

Bills. On issues where your constituency has a very strong feeling, I believe you should be able to represent your constituency. Perhaps even if you have to go against your caucus, I believe you should have that opportunity. It's very frustrating when you know that your own constituency sometimes has an opposite view and you're sort of hamstrung as to representing their views. You can do it privately, but you don't sometimes have the opportunity publicly to do that. So I think that's important. I certainly don't think where we're going to cause the government to go down, but they certainly should be thrashed out in caucus beforehand and compromises made so that people are able to live with the results of the proceedings.

2:40

MR. CHAIRMAN: I think Bettie Hewes last time really highlighted: how does a member reflect the views of the persons who sent them to the Legislature? It's interesting to think back to the GST, in which there was no question, similar to capital punishment. Eighty percent or better felt that we should not have GST but that we should have capital punishment. The example we had was the free vote in Ottawa on the capital punishment question. It's interesting to think about that for a moment and how elected representatives voted, knowing full well, assuming Decima Research and these other polling things are accurate – and I have no reason to question that they're not accurate. Capital punishment failed.

The GST is another prime example. There's no question where members stood. Now, the government of Canada I thought was extremely clever in calling it a budgetary issue and a vote of confidence in government. There's no question that by definition it falls in that category where government members had to vote. It's interesting that the House leader, Mr. Andre, was able to define that as a budgetary item. I don't know the legalities and so on, but very clearly – and this comes back to Bettie's point: at what point does a member not reflect the view of the constituent? There are perhaps two prime examples, and one can only hypothetically wonder, if we had recall, what would have happened. We do know that both British Columbia and Saskatchewan by overwhelming majorities in the recent elections they had where recall was on their ballot – I forget the percentages, but they were very high – said yes, we want to be able to recall the member. So it's kind of interesting when you talk about free votes. If recall was in place, would those members have voted the way they did? I have great difficulty believing they would have, because depending on the mechanics of free votes – in certain American states they spell out the percentage; I think it's around 50,000 signatures. They have horrendous ridings. Mississauga has 300,000 people outside Toronto alone; I don't know how significant 50,000 signatures would be. It would be, in my mind, extremely interesting as to how certain members would have voted on GST.

MRS. HEWES: Mr. Chairman, surely then they would have to choose between the potential to lose their own seat through recall or to lose confidence in the government through the loss of the vote. I think they'd have to choose to go with government. They'd have to go with Mr. Andre's proposition that it was a matter of money because it wasn't a matter of platform, which is I think the other measure. If you have in your party platform certain issues and certain statements about action and then vote differently in the House than your party, I think that would be – I assume that you would have to stay with your own party platform throughout your term, that you couldn't jump ship once you'd taken certain positions, but with the GST wouldn't it come

down to either the government losing confidence or the potential for the member to lose their seat?

MR. CHAIRMAN: It would have to be one or the other.

MRS. HEWES: Neither being acceptable.

MR. CHAIRMAN: Well, I've no quarrel if government said it was a budgetary matter and so on: a vote of confidence then in the government. I don't have the difficulty with that. Where I guess I'm touchy is that, generally speaking, government seeks a mandate of the people and spells out its plans for the four years. Although I guess you get into quarrels here, some people said that there was no mention of free trade and suddenly they introduced it. Others say, "Well, yeah; we said there had to be alternatives to the manufacturers' sales tax." Setting aside budgetary items, how do you then explain some of the other issues like abortion, capital punishment, gun control, the Constitution? That was interesting, you know. The strength of a free vote historically has always been a secret ballot, and I think we've said, "Hey, you can't have a secret ballot in a public forum like the Legislature." That's why I find intriguing this whole question of electronic voting. Somehow it's easier, I think, to press a button than it is to rise, certainly in opposition to your peers.

There have to be other examples, and I guess we don't have the research to . . . I'm looking at the pros and cons here. Dr. Franks from Queen's, who submitted the paper . . .

MRS. HEWES: I think, Mr. Chairman, there would be many examples from Westminster, where it's fairly common for the government to lose a vote.

MR. CHAIRMAN: Well, I think of comments made by Premier Klein – I think he's made them a couple of times now – about freedom of information or access to information, that the government would be proceeding with it. We obviously can't talk about caucus business, but one can only presuppose that a leader of government has got his or her government members behind them when they make that kind of announcement. So one can only assume it's a *fait accompli* if there's a pledge or a commitment or a promise of a leader of government to do something. Pension reform: I think he made the comment that there will not be an election until certain things happen. I heard him say it. Obviously, the caucus has made that decision or he is confident he could lead the caucus into making that decision, in which case free votes become an academic exercise: you either go along with that or the leader's defeated, I guess. Now, I'm privy, obviously, to some of that discussion, as are the government members I guess. I don't know how you make it easier, other than Bonnie's point, and that is that free votes should be – well, I don't want to put words in your mouth; you mentioned private members' business.

MRS. B. LAING: Uh huh.

MR. CHAIRMAN: Should free votes be restricted only to private members' business? I think that's wrong for the following reasons. One, you'd probably never get a vote because of the limited time that's devoted to private members. In our case we have an hour a week every Thursday afternoon, 4:30 to 5:30, so it's a little asinine unless you're talking about motions of the House.

MRS. B. LAING: Mr. Chairman, I didn't intend it to be only private members' Bills. I just used that as an example of a time

when a free vote should be allowed. I said: other than things which would perhaps cause the government to fall. I felt there should be some flexibility for free votes there, so that you could really vote against the government's stand on a particular issue as long as it was not monetary or would cause the fall of the government. I don't think any of us wish to see the large number of dollars needed to generate a government taken for very – perhaps I won't say insignificant but things which are not of major consequence to the rest of the population.

2:50

MR. CHAIRMAN: Well, the experience, as you see by your notes, in 1973, when the claim was made that Mr. Trudeau was defeated on a budgetary – it's page 11 under tab L. If you recall, Mr. Trudeau was the Prime Minister, and it was a budgetary matter of some \$19,000. The opposition claimed the government had been defeated, and the details are there as to how it was interpreted. The other one, I guess, is one some of us remember as the flag debate back in the early '60s. That was clearly a free vote. I guess you almost come down to say, well, a free vote should be anything other than a matter of confidence in the government. Is that reasonable?

Kurt.

MR. GESELL: Well, this last statement sort of is intriguing me. I think unless we have some clearer definitions of what constitutes confidence in government – I don't hold with the notion that because a leader is proposing a certain measure like freedom of information legislation, if that happens to be defeated in the House, that leader then automatically needs to resign or has lost the confidence. Similarly with budget discussions. If, say, a major portion of the budget is defeated, in my mind that shouldn't necessarily make the government fall. It means that the budget is not correct, that we need to go and rework the darn thing and bring something back that is more acceptable. I'm maybe being idealistic about this, and I have been throughout this whole discussion perhaps. Actually, I've been labeled that on occasion.

I truly feel that we all are going to make mistakes, and we should allow for those to occur. If we need to go back and rework some of these issues, then so be it. I think the principle of having a free vote is more important than sticking with an error that perhaps has been made and saying, well, we're just going to keep pushing on it. I feel it's more important to correct those situations rather than push ahead when the situation is not completely agreeable to all the members that have been elected in Alberta.

Let me make another comment, Mr. Chairman, with respect to electronic voting. I'm very intrigued by that. I think it would perhaps make members more accountable in the eyes of their constituents, particularly if all of the votes are done electronically. I assume that that is what you're recommending, not just divisions, and perhaps even that those voting records are published somewhere – they're public information – so that constituents would know how their member has voted on particular issues. Right now it's pretty difficult because we have a voice vote. No one really knows how a member has specifically voted on this unless he is asked and he indicates which way he went on a particular issue. In some instances right now in our process there are a lot of members that do not speak up when the voice vote is called; they're silent. I know certain occasions when members in the opposition introduced a Bill in first reading. I think Bettie was very astute. I think she was the only voice that I heard over there supporting first reading of the Bill. I wonder what would happen if there was dead silence in the House.

MR. CHAIRMAN: Well, I think *Erskine May* spells that out: it's in the hands of the Speaker, but it's generally accepted that no Bill may be discussed unless it's introduced in the House. Therefore, it's almost de facto if it's introduced and has been read a first time. I don't know how it applies in municipal councils, but that's kind of the right of the member to get business on the floor.

MR. GESELL: It's a formality, really, yes.

MR. CHAIRMAN: I think what we have to bear in mind are the parliamentary traditions all the way to, say, the House of Commons, where depending where you stand on an issue and how you vote, you walk through a certain door. This predates the electronic age. The very fact that the House of Commons has 650 members with seating for about 200 less – like, every member of the House of Commons cannot physically sit in the House of Commons in England. They don't have chairs. As you know, they have benches, but there's not room on those benches for every member. You know, it's kind of interesting to observe how they do it.

So when you talk about electronic voting, you bring in a new principle. The principle, I think, is accountability, which you find in the American system. We find it in our municipal governments, where certain people, whether they're lobby groups – I don't know what we would call the equivalent of a lobby group; I guess a vested-interest group – keep track of a voting record of a member. You hear it quoted ad nauseam in the American system, where you run and you're attacked. This happens all the way from – there were very few presidents who were not Senators; I guess Mr. Reagan was one. The voting record is always quoted, because the votes are always recorded in the American system. I can't help but think that in terms of accountability that's a very positive thing. If we had electronic voting in the House here, every person's vote could be recorded. Certainly it's available to see. It's on both sides of the House, the places I've seen it, not just one.

So, Kurt, your point about the yeas and nays. If in the Speaker's view the yeas have it, it's so announced. In our Assembly an individual member cannot insist that a vote be recorded. There's no provision. Unless three members rise, it can't be recorded.

MR. GESELL: That's correct.

MR. CHAIRMAN: So no matter how you feel about it . . .

MR. GESELL: Well, now, hang on, Mr. Chairman. Actually, you can express some displeasure and yell to the Speaker on division, but that's about as far as you can go.

MR. CHAIRMAN: Well, you can get it in *Hansard*, but you can't get it recorded as a vote unless three members rise in their places, as I recall our Standing Orders.

MR. GESELL: Yes, that's correct.

MR. CHAIRMAN: The public certainly can't demand it, because the public does not sit with us on the floor of the House. You know, I think it's kind of an exciting thing in terms of accountability. Where does a member, or my member or your member, stand on a given matter? Nobody really knows unless there's a division. Now, what's our experience in divisions? I recall very few divisions that were not virtually unanimous politically; i.e., government members totally supported; opposition members totally opposed. I guess I've got to say, from the point

of view of parliamentary reform: is not the expectation of the public such that there be more accountability? They should know where their elected member stands. If we as the Parliamentary Reform Committee are to make recommendations for amending Standing Orders – it's the Standing Orders now that prevent certain things happening, in free votes, in my view.

MRS. HEWES: Mr. Chairman, I think there are some other factors. I think it could speed up the process, not only for the record, the accountability of it, the business of the bells and so on, but speed up the process. But you'd have to make some accommodation for that to allow people to make themselves present for the vote to be called; right?

MR. CHAIRMAN: Yeah.

MRS. HEWES: The calling of the names and so on: that ritual I think is perhaps longer and more drawn out than it need be. We lose time, and those are precious minutes if you're in the opposition.

MR. CHAIRMAN: Just before Kurt speaks, I recall several years ago the Speaker of the House, having met with government House leaders of all parties, saying: we've resolved the following as the format for question period. I don't want to share caucus business, but I'm well aware that there were members of the government caucus that said: "Well, you've got to be kidding. I wasn't asked that." Now, I just use that by way of introduction, Kurt. I don't know what comments you're about to make. But I remember that vividly, where a member said: "No one asked me. The House leaders decided. I didn't elect a House leader." I don't know if that rings a bell or not. Go ahead.

3:00

MR. GESELL: Well, I wasn't on that point, Mr. Chairman. Actually, I think there are some side effects if we go with electronic voting, and some of them may be positive, some may be negative, I suppose.

One of the positives, I believe, and Bettie just briefly touched on it, is that as an individual member, although my attendance record is very good, I would be very much inclined to be in the House or else have a darn good excuse for not being there, because my record is always open to my constituents. So that would be a positive side effect, I believe, in that members would be more inclined to be in the House because a vote can be taken at any time and it's always a recorded vote.

That brings me to the second point. Right now we have a second-thought type of situation in the division process. Sometimes it's a correcting mechanism: if there's a vote cast and some members weren't quite paying attention perhaps. That's another aspect of this. There's the possibility for three members to rise. I know that has happened to me personally, where the vote has not gone in accordance with what I felt was correct and I rose. You need to have other members do the same, but you really have a second chance at the vote. With an electronic vote to begin with, there's no such need. Do we allow, then, for perhaps a second vote in some fashion or other? Or perhaps one could go to reconsidering the same question, I suppose. That would do the same thing, but usually reconsideration is done on the basis of clinching the vote, I think is the term that is being used, because if you do that, then you cannot discuss or bring up the same matter during the same session. It can be reintroduced at a subsequent session. Is that the process we would then be using in order to

assure that the vote was in fact correct, to call for reconsideration of that particular vote?

A second point that I've touched on is a very positive one I think. Because of the flexibility right now for division, I think maybe there's less attention being paid because there's a second chance members might have in the House. If the vote does not pass in accordance with their wishes, they have a second chance. If we have electronic voting, everyone had better be on their toes for the first vote because that's really the only chance you might be getting unless there is the reconsideration aspect of it.

MRS. HEWES: What, Mr. Chairman, do you do if it's a minority government, which further complicates the scene?

MR. GESELL: Yes.

There are two other points that I wanted to discuss, Mr. Chairman, but they're side issues: recall and polls. They were briefly mentioned in our earlier discussion, but I'll get back to them when we deal with that.

MR. CHAIRMAN: Well, I find the concept of electronic voting exciting, because you then know where your member stands. I don't know how I would behave following the next election, as a citizen vitally interested in the democratic process. Someone asked me the other day what I will do when I retire. I said, "Well, you know, I'm going to enroll in the university, take some classes, and lead a student march." I dearly want to lead a student march. It would be unusual.

I don't think we have a precedent for electronic voting at a provincial government level. The notes don't tell me that anyway. I know it's been thought of, but I don't know as it's ever been instituted. You'd have to, obviously, look at the pros and cons of that. I don't think it should be a panacea, but I just know from my experience that there have been divisions in the House and the government members say, "What am I voting on?" In fairness, it's certainly at the committee stage, because you get such a plethora of amendments sometimes that they're difficult to keep track of. Members say: "Hey, I'm in favour of this Bill. I don't care; I'm voting for it anyway."

MRS. HEWES: More difficult for some people than for others, Mr. Chairman.

MR. CHAIRMAN: Oh, no question. I can't help but think, as an editorial comment, that the history of Alberta has been such, with its majority governments, that those decisions invariably – I think Bob Hawkesworth made the point the other day – are made before you even open the House. People are then expected to support their government. I guess at the back of my mind, when you look at the terms of reference, to bring credibility to the lawmaker, there's no question that free votes would go a long way toward doing that. There's no question about it. But can you convince government? It's easy to say, "I think this is the way it should be," but . . .

MRS. HEWES: And can we find a system that will get over some of those other barriers?

Mr. Chairman, I'll never forget my first term in this House. I was speaking to some section of the budget. I'm not sure what one, but it was close to the end of the budget debates. Dave Russell was the Deputy Premier at the time. I spoke to the budget process and my growing concern and anxiety about the fact that the process allowed for no adjustment and for very, very little information to be shared and, as Kurt says, the notion that a

budget maybe should go back and be changed. I said that I found the process to be badly flawed and not to be helpful at all in arriving at what I thought was an open and reasonable budget for Albertans. The Deputy Premier, who was a delightful person and very personable, got up and looked at me – I'll never forget this – and said without equivocation that surely the Member for Edmonton-Gold Bar should know that it didn't matter what she said; not one single cipher in that budget would be changed. I just sat down like this, thinking, oh, why am I here, because, as Hawkesworth says, it was all canned. Therefore, the budget debate assumes a kind of superficiality that makes it unnecessary. You're just posturing at that point.

Now, I have found, of course, in subsequent years that ministers usually are quite forthcoming with information and answers to questions that I pose on the budget, and that is helpful for the next time around or for further debates. But, no, nothing is going to be changed in the budget.

MR. GESELL: Let me just comment on that particular point. I don't know if you've read my submission to this committee, but I make some suggestions of how we might approach that situation. I have similar difficulties with that situation. I've suggested that maybe we should have a fall session where we provide input into the budget process; make suggestions, all members, to the ministers, where the ministers sit and listen to the comments that are made, to proposals, and hopefully incorporate them into the budget that is being prepared. Then you'd still have the opportunity, I would think, in the spring when the budget actually comes forward to question the minister and say: "Why wasn't this idea put into it? Why was it rejected?" In my mind, that process would be much better for my constituents, who make suggestions to me about what we should be looking at in the budget, and I could bring that forward in the form of a suggestion to the minister. To me I'd like to have that process in place, because I think by the time the budget comes, and in the present arrangement the budget comes in the spring, if you then make some suggestions, some of them might be excellent – Bettie might make some suggestions that are just tremendous – but they won't be in the budget until the following year. So there's a time frame of a whole year that's being lost with perhaps some excellent recommendations that should be incorporated. I know that government moves slowly, but by that suggestion I'm trying to make it more accountable and perhaps take some of the recommendations that come under active consideration and implement them a little bit faster.

3:10

MRS. HEWES: Surely too, Mr. Chairman, the experience of the Marshall Williams committee this week must indicate to us how very little we really know about the comprehensive budget, all the factors that are at play. I think if it proved anything, it told us that. During the leadership race last fall I was struck by contenders, candidates saying they did not have all the information or a good, comprehensive understanding of the financial picture of the province, yet these people were making decisions within their departments in the order of billions. I found that a shocking kind of admission. Kurt reinforces that all of us are expected to vote for or against with a paucity of information that I just find appalling. I can't vote for the budget. There are some parts of it I'd like to vote for, but I can't because I feel I'm deprived of the kind of in-depth information on whether or not this program gave me value last year and whether it should be continued on that basis or deleted or more or less of it. I find the budget process

totally deficient, and I think probably in our reforms we'll want to change that. I think our public will tell us that.

MR. CHAIRMAN: Well, if you look at the history of the way we do things, under our system the Lieutenant Governor authorizes ministers of the Crown to do certain things. So we have a budget presentation. Under our system the budget books are printed even before the presentation to the Assembly by the Provincial Treasurer. Then we have ministers of the Crown, who legally are the only people authorized to spend money, coming forward to the Committee of Supply and requesting supply from the committee, which is a committee of the whole House. Historically, I remember when we went through the budget line by line in the votes, and the Chairman of Committees would have to seek approval at the request of the minister for each line in the budget. Now we have program budgeting. We have a very simple budget system here, unless you go to the elements book where some departments only have about three votes for their entire budget.

Now, in Standing Orders, as you know, the committee determines the rules of the committee. In the past we've said that if you've got a question on vote 4.7, you can ask it when we're still talking about 4.1. I mean, it's a very flexible thing. In my mind I see where the problems are. The problems are related to Standing Orders, and that is that the member may speak for 30 minutes. If Standing Orders said that in Supply members could only ask questions and not make speeches, you would have a dramatic difference there.

Then if you went a step further and said that the Chair must go through the budget line by line under a minister's presentation; i.e., vote 1.1 is Minister's Office, for example – the rules of the Committee of the Whole say that amendments must be dealt with in the order of the Bill, not necessarily in the order they're presented; the Chair should prioritize the amendments and so on. I think it would be an eye-opener if you had go through the budget line by line and the only comment a member could make would be a question to the minister. Whether the minister answers the question is another matter.

I guess what I'm leading up to is: as I see it today, the minister makes a presentation in Supply, the Leader of the Official Opposition or his designate, i.e. the critic, makes a response – there goes another 30 minutes – then the next party in the House and so on, and there's these elected members out there who can't even say a word because the bell goes. Whereas if you said the only things allowed in Supply are questions to the minister on the matter under consideration, I think it would dramatically change the focus of the House. The Member for Calgary-Bow could say: "Just a minute here. I've got a question on 2.2, and I want to know." I don't care how long it takes if you could only ask a question, because I'm sure you'd speak for only three, four, or five minutes if it's just questions. At least I assume, because the Chair would call you to order if you made speeches. That alone would have a dramatic impact; wouldn't it?

MR. GESELL: I believe there was a time when only questions were asked.

MRS. HEWES: I only ask questions now, but I have 30 minutes' worth of questions.

MR. CHAIRMAN: No, but do you hear what I'm saying?

MR. GESELL: Yes.

MR. CHAIRMAN: We're going to deal with time limits too in the Standing Orders. But it just seems to me that, as Bettie says, once it's printed, it's de facto. No matter what you do, at the end of 25 days it's engrossed and presented to His Honour, et cetera, and it's over. And you say, "Well, why am I here?"

I know we're fooling around with a lot of parliamentary tradition in the discussion. The only time I saw an item in the budget book changed, the only time in all my years, was because of a misprint from the printer, not by the government. No one had picked it up. Someone picked it up in the House.

MRS. HEWES: Mr. Chairman, the committees that have been struck - I understood from Chairman Schumacher that his committee on . . . What's it called?

MRS. B. LAING: Community services.

MRS. HEWES: His committee, community services, would be dealing with budgets that would relate to their terms of reference. Those parts of the committee meetings, I gather, are closed so that an opposition member doesn't have that opportunity. Now, I'm assuming, however, that those committees will somehow relate to the process that Kurt describes, where they will feed to the minister various items that they believe are germane to the budget preparation. As I said at the last meeting, I don't agree with the formation of those committees. I think they should be all-party committees and should be open. I'm assuming that they will do that, and that will at least have further input for government backbenchers if not for the rest of us.

MR. CHAIRMAN: It's interesting looking at the record, because you mentioned minority government, which was following the '72 election. I remember that that night Mr. Stanfield was Prime Minister for about eight minutes; then the seats changed. But it says here that between '72 and '74 - we had another election in '74, and there was a majority government - the government lost eight of 81 recorded votes. This was the federal government.

Four of the defeats were on government bills, two related to committees, and one was [on] supply.

Interesting. It says:

Several conclusions can be drawn about confidence . . . there are many more things on which a government can be and is defeated without loss of confidence than is generally realized.

This is in the notes.

Canadian experience supports this, and it is reinforced by recent British experience. Between 1972 and 1979 there were sixty-five defeats of government measures in the British House of Commons, including some on very important pieces of legislation.

So the precedent is there. You know, I guess it's the image we're talking about. If it's a government Bill, it's like the statement: I'm from the government and I'm here to help you; I can do no wrong. So the net result is that no one except government has good ideas, and we know from experience that that's not true. We know that.

3:20

It's very interesting what they point out in some of these things. My concern is the ability of the member to both represent constituents and be efficient or make the system more efficient. I keep getting the message that that's not the perception now. I relate back to my comment about House leaders agreeing with the Speaker as to a process without even amending the Standing Orders. I guess you can only go on the basis of faith that the House leaders have got a strong consensus from their members. I think I related on Friday, Bonnie, that Grant Notley was allowed

12 supplementaries because the Speaker felt it was germane to the question. No one challenged the Speaker.

So I see lots of merit in the so-called free vote. I don't know if that's the appropriate term. Voting procedure is probably a better term, because the inference of free votes creates images, whereas voting procedures . . . If we're a victim now of the standing order - i.e., a division or a recorded vote - then maybe the amendment of that standing order is the answer to that.

Electronic voting: I've got to find out whether there's a precedent in our parliamentary system. I don't know of one.

MRS. B. LAING: Mr. Chairman, on that point. It's used primarily in municipal governments. If you think about the members in municipal government, they're not representing a caucus; they're individuals. They represent their constituents, but there isn't necessarily that common philosophy they're trying to reflect. They haven't been voted in on a common philosophy. You know, you often find people of several different political stripes in a council, and they have a little different sort of bent to the job. I'm thinking of a couple of ours. They're not above getting up and going totally contrary just so they get a little bit of press. You know, they're perhaps more individualistic than many members are expected to be. You are elected on a common platform - you may have gone over this the last time; I'm not sure - so you do have to reflect that platform you are elected on. Whereas if you're an individual and you don't have that caucus platform to adhere to, then you can do things a little differently. I think that's part.

Also, one concern I have is the lobby groups. You may in fairness vote the way you feel the majority of your constituents feel and reflect their views, yet there's that very vocal minority group that's not above attacking you personally. So I'm a little concerned there as well: how we would handle that, what kind of safeguards we would have for that type of thing.

MR. CHAIRMAN: Well, just let me summarize what the researchers pointed out in terms of advantages and disadvantages, or pros and cons. A free vote would give an MLA greater independence. I don't think there's any question that that makes them better able to represent constituents. It improves the chances of re-election if an MLA can, at least on some issues, show he or she has voted according to the wishes of constituents. History tells us that 90 percent of election victories are directly related to leader and policies as opposed to individuals. That's what the history of a study done in Canada is. I don't want to argue with that. It also diffuses certain issues in parliament, particularly morality and conscience, by allowing the MLAs to freely express their view. I think in terms of the abortion question, capital punishment. I've always felt that way about the booze question. You know, I've always felt that instead of being in the business of governing, we were in the business of selling booze. I don't want to be critical, but we discovered it's a path to riches.

"Allows for greater expression of local and regional concerns and interests." I think of that famous hill you've got in Calgary, Nose Hill, which I was told led to the election of Frank Bruseker and the defeat of Dr. Stan Cassin. I was told that. Because it was local, regional - it bordered three constituencies, Bonnie, if I'm accurate - allowing a free vote in the House would allow that regional representation to be made. It "gives Parliament more credibility" - and I think this is important to us - "as an effective institution" where it's not rubber stamps. It

- forces interest groups to broaden their appeal and modify their demands so that more MLAs are willing to support them. That's that lobby group or vested interest group. It

- forces parties to develop more broadly acceptable measures, that is, measures which earn the support of [the entire] caucus;
- forces MLAs to develop and defend their own position on matters without being able to pass the buck to party leadership on those issues.

I should share with you one of the roles and duties of the pages several years ago. They were to be trained by Parliamentary Counsel. That's why you have statutes in the House. Ninety to 95 percent of all our Bills are amendments to existing Bills; they're not new Bills. They were to be trained, and back in Mike Clegg's day they were trained. It appeared I was the only one sending for the pages to bring the statutes, because the Bill I had was an amendment to a Bill. I had to keep doing this, you know. I was astounded in asking my colleagues one time, "What's the detail on the Bill we just passed?" It reached a point where Mr. Clegg would then publish the principles of the Bill in his annual thing. It's surprising how many people were not aware of what they were doing. I don't mean this in a critical way, because people are snowed under, but the credibility question is self-answered there.

It

- elevates the status and importance of MLAs as individuals in that their votes can be influenced, wooed, won or lost;
- party discipline allows the government to insure that their program is implemented. This in turn gives a stable government.

Well, that's the view contrary to the pro side; i.e., the discipline. Now, I guess that works both ways. We've talked about it in the context of votes of confidence. It provides a "powerful central role of cabinet." As opposed to the pro side, this would be on the contrary side.

- More independant MLAs become more vulnerable to pressure from powerful interest groups;
the Fort Saskatchewan-Strathcona annexation issue, for example, Mr. Gesell.

MLAs theoretically are given more opportunities now to have their voice in caucus - i.e., their views, certainly their views of dissent. I'm not talking about the cabinet now. I'm just talking about caucus. It's interesting that the average career of a Member of Parliament is 4.6 years. That sounds like a university president. Without a free vote, are they really able to express their view? They're not going to be there long enough to worry about it.

Now, I guess one of the clear disadvantages of the free vote is that it would make it more difficult for party leaders to have time to marshal their forces in order that they would be able to sell measures to their own members before trying to sell them to the electorate. In other words, if you get everybody marching to the same tune because of not allowing a free vote, you then create an impression. You say: "Well, the Legislature passed this with a majority. Therefore, you, the party member out there, the great unwashed, we've done this, so your member voted for it." Well, if you had a free vote, he or she may not vote for it.

3:30

Anyway, they came up with some recommendations. Let me very quickly just say what they are. Number one would be to amend the Standing Orders to do one of the following:

- codify a set of rules as to what constitutes a vote of non-confidence. We've talked about that a fair amount.
- allow the government to designate, in advance, other matters which it considers matters of non-confidence,
- ease or abolish the convention that rejection of important government measures amounts to an expression of non-confidence.

Well, I mentioned that six of 65 were defeated during that period. Now, many people have said that minority governments are the only true government because you survive on your merit. I don't

know who the author of that was, Bettie, but I've heard it many times.

Now, it also at the same time would allow the government to designate which are conscience issues, thereby not being votes of confidence; i.e., is capital punishment a conscience issue?

It's very interesting. I don't know who did that background.

MRS. DACYSHYN: That was Frank Work.

MR. CHAIRMAN: It's an excellent paper. We don't want to prejudge what the public's going to tell us, but one thing I think we're all agreed on: Standing Orders must be changed to allow members more expression to reflect the views of their electorate in the voting process. I don't think there's any quarrel about that. Now, you've got to ask yourself the question: how would that have resolved the vote on the boundaries? Or would it?

MRS. B. LAING: Mr. Chairman, majority would still be the winning vote overall. So if you had a majority vote, even though the members have been allowed to vote against it, I mean, they have therefore represented their constituency, and the work of the House can still be done. I think that on the electoral boundaries that would have been the case.

MR. CHAIRMAN: Well, at the end of January and early February, if I could just focus your attention on that, dealing with boundaries, we had the government solidly in favour of boundaries as recommended by a government committee. I recall people in the House saying: "I'm not voting for this not because of the detail of that Bill but because of the process. It was fundamentally flawed, and therefore I will not under any circumstance support it." Now, how can any member take exception to that statement? If I believe it's fundamentally wrong as to the process which was done, how can anybody take exception to that? We're not talking about a bend in a river and all that; we're not talking about that detail. Yet if we'd had a free vote in the House or electronic voting - I know personally colleagues who've come to me and said: boy, have they butchered up my riding.

MRS. HEWES: Well, not only that, Mr. Chairman, but I'm convinced that there were government members who believed the process was flawed, who believe that it is, if not improper, not appropriate for government members to set their own boundaries. I think if it had been a free vote, we might have had a very different result. We might have been required to go back and start the process again. I think we all recognized the time constraints and the potential for a challenge if an election had to be called before it was finished, but I think we knew a year before that the process was wrong. I suspect it would have been very revealing just on process alone, not even counting the number of government MLAs that were discontented with various parts of the specifics, the content of the Bill.

MR. CHAIRMAN: I'm trying to equate in my mind what similar thing it could be compared to. I recall that Mr. Horsman's committee, the Constitution committee, which was an all-party committee, had I don't know how many meetings and heard from I don't know how many people. It's interesting that all those members agreed that the report reflected what they had heard. Of course, the all-party committee for boundaries didn't exist except on paper because all party members did not participate. So I guess we will never know. It's hypothetical, but it would have been interesting if the committee had functioned entirely, what their

report would have come up with. There's no question in my mind that it would not have been unanimous like the Constitution.

MRS. HEWES: The other curious anomaly there – and this is getting a little off topic, I recognize, Mr. Chairman – is that the original all-party committee on boundaries that toured the province made a report that I think was, if not unanimous, pretty close, and it was a good report. The odd part of it was that the final committee of MLAs that drew the boundaries didn't pay attention to the earlier report. They were contrary, and I can't imagine how that can happen.

MR. CHAIRMAN: Well, wasn't there a defence, Bonnie, that the second report that came forward, following Mr. Justice Virtue's withdrawal and the new charge and so on, was multigroup reports?

MRS. HEWES: That was the commission. I'm speaking of the committee, the original MLA committee that toured the province.

MR. CHAIRMAN: Oh, okay.

MRS. B. LAING: By the time the second set of MLAs and the commission had basically let us all down very badly, the new statistics were in on population. When they had done the original one, the only ones that were available were for '86, and because of the two-year delay the '91s were then ready. So those were the ones they had to look at. There were some differences. Many of the MLAs who were opposed wanted their constituency to remain exactly the same, and in the city of Calgary that was impossible because of the growth of population. They added two new ridings, so by the time you started in the middle and went to the edges, you know, many of them had to be changed dramatically because of the difference in the growth rate of population.

So there were different circumstances for the final report over when the first report was done. There was that lapse of time and availability of new data on population. I think they did try very hard to keep the communities together, which the commission had not done. In Calgary they were willing to slice off almost the entire northwest end of the city and send it out into the country. I attended the all-day hearings in Calgary. There were many people from the country areas saying, "We don't want to have our MLA belong to the city, where they will outvote us," and city people saying, "We don't want to have to drive 85 miles to see our MLA." So both were very unhappy with it around the city of Calgary. They took those kinds of things into consideration. I think they did the best they could, with the growth and the things that they had to address and not having other people to help them as well. Another point of view might have been helpful too.

MRS. HEWES: Would the vote have been different?

3:40

MR. CHAIRMAN: I was going to say, in the final analysis, you know, would it have really? I guess my major concern is that by changing the process of voting, you enhance the role of the members in being able to reflect the views of who elected them. Now, I say that with tongue in cheek because of the following things: number one, image seems to be more important nowadays than policy in terms of television and selling whatever you're selling. I don't know if it would really end up making a difference.

My concern is that when members get to the floor of the House, they have every opportunity to express their view in a vote. Now, if the caucus system can convince them to vote a certain way, I

have no quarrel. I just think that our Standing Orders now inhibit people from doing certain things, and maybe I look at electronic voting as the out. I don't know. The more we go around it seems like the more we keep going around.

Well, I would urge those who haven't read the background on free votes, the Canadian experience, to do it. I find it very fascinating. Having said that and not knowing how our sister provinces even do things – I shouldn't say not knowing how they do things; I've been there and talked to them – I don't think we're talking about anything unusual about the way the system has worked in the past. Future politicians had better be very careful. If they're not mindful that society has changed and the expectations are there, those who are not in tune with that public are not going to be around to worry about it, I guess, because they'll find that they're no longer representing.

Any other comments on free votes? I'm a little disappointed that we didn't have the other members here, because I think they could have added a fair amount to it. Any other comments? It's now 3:40. I don't know whether we should go on to a new item or not. We've got at least 15 minutes to hear some of your reactions to the present Standing Orders, just generally.

MRS. HEWES: Mr. Chairman, I think I suggested at our very first meeting that there are a number of things that we could change in Standing Orders with very little difficulty, with probably close to unanimity in the House, that would speed things up and improve things. I did at some point submit a list of those things to you.

MR. CHAIRMAN: Yeah, I saw your list, Bettie.

MRS. HEWES: I think we could well address a few of those and simply suggest that the House leaders get together and do it, bring in some kind of temporary suggestion for amendment.

MR. CHAIRMAN: We, as you know, amended Standing Orders in 1984, I think it was, for a period of time, but it was temporary. I find a lot of members don't fully understand the Standing Orders. Maybe it's the way they're written. Having said that, the Standing Orders have got to work in favour of the member and not in favour of the system.

Kurt.

MR. GESELL: Mr. Chairman, actually what I've done is gone through them item by item, but there's not enough time to do that right now. Let me just make some general comments. I think we're past the point of trying to fix things here and there. I think we really need to revamp the whole works, all the rules that we have. There are a number of issues that we should be dealing with I think. Perhaps we could make them gender neutral. Perhaps we could use some plain language in order to have people understand the rules a little bit better, and that includes politicians and Albertans.

We talked about the procedure for the election of the Speaker. Our Standing Orders are silent on that aspect, and I think it needs to be put in there. I would like it to address in camera sessions. I'm not in favour of those, and I'd like these rules to address that to some degree. I know that in certain instances they are necessary. I would want to be more strict in saying that those should only be used in certain instances where they affect individuals or where they affect certain items of confidence. It's too easy to get into that situation of using in camera sessions. The public perception of what occurs behind those closed doors is extremely negative. I believe that that needs to be addressed.

I think there needs to be a natural progression of sanctions that occur. It's not clear, and I'm referring now to points of order and even privilege in the House and some of the things that happen to a member. For instance, right now if there's an infraction, and sometimes it almost appears that it is maybe even intentional, the speaker does not lose the floor. When I'm talking about the "speaker," I'm talking about the person that has the floor. He gets cautioned and apologizes in an offhanded manner and carries on. Well, it doesn't add to the decorum in the House. We need to have a look at that and sort of have a progression of infractions and sanctions that relate to it.

I believe that we should have members' statements. I feel that that is an avenue whereby you represent your constituents and that those need to be incorporated in the orders, the rules. We need to define the parameters and the procedures for them carefully, but I think the principle is good.

I believe we need to seriously revamp question period. This is how the public sees us, Mr. Chairman, and what they see I believe they don't like. I think it's the structure of question period. There are a number of suggestions of how we might deal with it. Perhaps one needs to deal with one topic. You mentioned the example of Grant Notley being allowed 12 supplementaries. It's not a bad idea if a question arises. Perhaps all members could ask supplementaries on that particular topic so that you explore it in full. I don't know. There are a number of different avenues that we can look at.

One of the things that I find confusing, and perhaps other members do as well, is that the organization of these orders, these rules, is not quite straightforward. In some instances, they're even contradictory, Mr. Chairman. Perhaps we can restructure them so that they're a little bit better organized and there isn't the contradiction that is there.

I believe we need to change our times when the Assembly actually sits. I do not see the purpose of sitting that late in the evening. Sometimes we carry on until all hours. Let's face it: members are not at their best at 10 or 11 o'clock at night to enter debate, to discuss issues that are of critical importance to Albertans. We now sit, I believe, 21 hours, if you allow the regular 8 to 10 discussion in the evenings, which might be on or might not be on.

MR. CHAIRMAN: It's 22 and a half if you sit to 10:30 at night, but you're right.

MR. GESELL: Yes. All right. Fine.

I don't see anything wrong with sitting from 1:30 to 6:30 every afternoon and from 10 to 1 on Friday. That would come to 23 hours. It gives you some additional time, and it would be a set period. The 8 to 10 period might be there or might not be there; that's at the government's discretion right now. Actually, to me, that would allow for more debate if we were to do that. We should maybe have a look at all of those things.

You mentioned supply questions only, and there are other items in here that we should be addressing: electronic voting, for instance, and so on. We're at the point, I feel - and I'm going by a submission that was made by the Speaker actually on November 1, 1991, to the House leaders and to the members - where certain recommendations were made for changes, for revisions. I've looked at that, and I've gone through it item by item. I've made copious notes on this, Mr. Chairman. If I were to go through them all, it would probably take me four hours. So I won't.

MR. CHAIRMAN: Well, I read the document, and Speaker Carter was very desirous of seeing various changes that he had proposed.

I don't know if all members, Corinne, have that document, but I received it as Deputy Government House Leader, and I spent some time going through it. Speaker Carter I think had a lot of very meaningful suggestions . . .

MR. GESELL: Yes.

MR. CHAIRMAN: . . . that we, as you know, as a caucus were considering. Modernizing I think was one of the terms. I forget now, but there are 30 pages or something in that document. He made some excellent suggestions.

MR. GESELL: Sixty-six.

3:50

MR. CHAIRMAN: In due course I would hope that Speaker Carter would make a presentation to the committee as to the changes he would like to see, with the rationale.

One thing everybody I've spoken to is agreed on is that the Standing Orders must be redone because they're confusing, they're contradictory I think in a couple of cases, and because of some of the terminology. You know, for years members in the House voted on issues related to agriculture. At one time a member was forbidden under Standing Orders, if he had a pecuniary interest, to vote in the House. Then we made that long list of exemptions; i.e., a member who's a farmer is entitled to everything an ordinary citizen is, and so on. Yet the Act still states, in the Standing Orders anyway, that if you have a pecuniary interest, you cannot vote in a matter before the House. It's been reflected in Alberta Energy Company, I recall, and so on. So certainly when we get to the question of doing the Standing Orders, we'll be using that document. There were other submissions too: one from the Liberal Party, one from the New Democrats.

Well, I don't know what else we can achieve today. Unless there are other comments, I would . . .

MRS. HEWES: We meet tomorrow, Mr. Chairman?

MR. CHAIRMAN: Yeah, we're meeting tomorrow. I'm going to Members' Services in the morning with the budget, and then we're meeting 2 to 4 tomorrow.

MRS. HEWES: Mr. Chairman, can we do a head count for tomorrow?

MR. CHAIRMAN: Yeah, we had an indication . . .

MRS. DACYSHYN: Somewhat of an indication. I can call the members tomorrow morning and find out for sure who will be here and who won't be, and then we can make a determination.

MRS. B. LAING: I'll be away tomorrow, Corinne.

MR. CHAIRMAN: Well, could we notify Mrs. Hewes by noon?

MRS. DACYSHYN: Yes.

MR. CHAIRMAN: I mean, I'm tied up in the morning in a meeting.

MRS. HEWES: If we're only going to have a couple of people here, perhaps it's wise not to convene the meeting.

MRS. DACYSHYN: I'll let the chairman know as early as possible in the morning.

MRS. HEWES: Are we adjourned, Mr. Chairman?

MR. CHAIRMAN: Motion to adjourn?

MRS. HEWES: Yeah.

MR. CHAIRMAN: So moved.

[The committee adjourned at 3:53 p.m.]