

1:18 p.m.

Tuesday, April 13, 1993

[Chairman: Mr. Gogo]

MR. CHAIRMAN: Okay; let's call the committee to order. Today we felt we would get back into the rewrite of the Standing Orders. I have some material as supplied by one of our members. We, as you recall, decided the meeting would run 1 till 3 p.m. because of commitments. We should get a report on what we're going to do with regard to drafting a report, and then hopefully we'll get into pursuing the Standing Orders, the discussion we were talking about the last day.

First of all, there are really two items. One, I met with Members' Services Committee. You have a copy now of the budget. Now, as I understand, Members' Services Committee makes a recommendation to the Legislature with regard to budgetary items of committees of the House, and that's the document you have in front of you which has decreased from, I think, \$123,000 originally to \$77,400 as a result of Members' Services consideration. The two most important elements, however, are there. Number one is advertising, which will be going forth, I think, tomorrow. Does it appear tomorrow, the 14th?

MRS. KAMUCHIK: It's starting this week I believe, Mr. Chairman.

MR. CHAIRMAN: That will prompt, obviously, responses and then the writing of the report, the two major items.

I reported to you last day about the Members' Services Committee recommendations, which were verbal. Are there any questions on the written document that members want to pursue? I would point out that it's a recommendation to the Assembly, will be found in the budget document, and undoubtedly will be subject to debate in the House. One would think that with our talk about free votes there'd be some talk in the House on this. It will probably be the first time that Leg. Assembly estimates have ever been debated in the Assembly; to my knowledge, not for many years have they been debated. Now, I don't know what's in those estimates. Like you, I hear various things. I hear talk that they may not have an intern program, and as I was here at the beginning of the intern program, I have some very strong feelings. So if and when the budget's discussed in the House, I would certainly participate in that type of discussion, which is really outside our committee consideration.

Have you had any more success in finding a person, Louise?

MRS. KAMUCHIK: I'm afraid not, Mr. Chairman. The last rejection, if you want to call it that, came this morning from the person who had been seconded to the Constitutional Reform Committee. They just can't spare him to do even a summary of the submissions that we hope to receive. We really don't have anyone through people that I know, unless committee members have someone they know that might be seconded even on a part-time basis. So we're back to square one with having no one in our area and no one through in-house that we can second from another department.

MR. CHAIRMAN: Well, as members know, the resolution adopted by the House says:

In carrying out its responsibilities, the Committee may, with the concurrence of the head of the department, i.e., whichever department presumably we wanted to use,

utilize the services of members of the public service employed in that department and of the staff employed by the . . . Assembly. The operative words are "with the concurrence of the head of the department."

Now, what we're hearing from Louise is that the department heads do not have people available. We do have it in the budget, however, whereby we can hire the person. I hoped, certainly with regard to an interim report, that we could access one of the researchers who may have a flair for that type of thing, because I'm as cognizant as anybody about expenditure of public funds.

Are there any thoughts on the committee report? We discussed earlier that we should endeavour to have an interim report in the House reasonably quickly. Bob Elliott.

DR. ELLIOTT: Yeah; I just want clarification on the question, Mr. Chairman. Are we talking about whether there should be or shouldn't be, the extent of the report, or just the topic of the report generally?

MR. CHAIRMAN: Well, we're talking about someone to write the report, and historically we could have seconded somebody from the department to assist us. The Leg. Assembly Office with Mr. Ritter gone and the opening of the House imminent - there's vulnerability there. I don't think we could rely on, for example, Parliamentary Counsel or one of those people, but we do have authority in the budget which is recommended to the House to hire somebody. I'm not so sure for an interim report that we need something of that magnitude.

The thought occurs to me about a researcher, if there's one available. The difficulty there will be if it's a government caucus researcher, an opposition caucus, and so on. It's something I want to avoid because that just ends up creating credibility problems. I'm wondering if there's an alternative somewhere in the middle. I don't like the idea of contracting out for that amount of money something that may not eventually end up in a final report. That's (a), and (b) the content, the things that we've dealt with, in terms of the shopping list it's really not such a long list.

Bob.

MR. HAWKESWORTH: I think your concern is a valid one, if we were to go to caucus staffs or caucus people. I can appreciate the concern you've raised in terms of impartiality or nonpartisanship.

I don't know. Would the Premier get working on it, do you think, if we were to write a letter to him or ask for him to find somewhere in the public service somebody who would have the qualifications we're looking for and be freed up? That might be one alternative. Another might be across the river here. I'm sure there are graduate students looking for thesis ideas or perhaps research projects for a degree in political science or public administration that might find what we're doing to be of interest. Now, that's maybe not a satisfactory alternative, but I think your question was: what alternatives can we think of? Those are just two that pop to mind.

MR. CHAIRMAN: Thanks, Bob.

Any other suggestions? Derek.

MR. FOX: Mr. Chairman, I guess it seems to me, you know, that we continue to operate under some pretty serious constraints, most of them related to time and some of them related to general uncertainty about what the immediate political timetable is with respect to events in the province. Now, ads will start appearing this week in papers. We're soliciting input from Albertans.

We've put a deadline of May 14 on that. My sense of our agenda as a committee is that — we meet today, and we have another meeting scheduled tomorrow. We've made some progress on some issues, but it wouldn't be prudent of us to schedule another meeting till the input's received. We can assess it at that time. So I guess I'm thinking that sometime during the third week of May the committee meet, assess the input, and decide how we want to proceed as a group to make the best use of that and the ideas that members have. At that point in time we will have a clearer idea of whether or not the Legislature's been dissolved and we're all out on the campaign trail or doing something else or if we're here for a full-length legislative session. We can assess things at that time.

It seems to me that we don't really need much in the way of an interim report for the House in the next week or two. You as chair could stand up and file the letter that you've sent to MLAs, a copy of the ad, describe what the public input process is, invite members to submit their thoughts, and that's it. I don't know what more could be accomplished in the form of an interim report. Because we haven't been able to locate someone who is already in-house, I don't think we're in a position to make a decision about hiring somebody at this point in time and maybe don't need to cross that bridge for another month.

1:28

MR. CHAIRMAN: I suppose, theoretically anyway, it could be based on what you've said: the 23rd Legislature may deal with it, not the 22nd.

MR. FOX: It could well be.

MR. CHAIRMAN: It could be; right. Okay.
Bob Elliott.

DR. ELLIOTT: To follow up on Derek's comments, Mr. Chairman, do the guidelines under which we are operating today give close outline as to how we should report and the form it should take?

MR. CHAIRMAN: No. It "shall report back to the [Legislature] on its deliberations and may make recommendations for change in Alberta's parliamentary system." There's no time frame.

DR. ELLIOTT: Okay. Well, this could be done, then, in the form of a verbal presentation to the Assembly by our chairman.

MR. CHAIRMAN: Sorry to interrupt, Bob. If we did not do a written interim report, then I as chair would make a report to the House on the progress of the committee.

MR. HAWKESWORTH: What were your hopes that an interim report might conclude? Were you hoping that we might even have some recommendations, that if there were some issues we could sign off between now and then, it would maybe keep the impetus rolling?

MR. CHAIRMAN: I think it's key that the interim report motivate members of the House to see that it's carried through to its conclusion and that the three items that we discussed, albeit in a somewhat preliminary way, really become part of the effort. On behalf of Edmonton-Gold Bar was election of the Speaker by secret ballot, voting process or free votes or whatever term we're going to use, and one that I view as very important to members of the House, and that's Standing Orders. So of the shopping list of

37, which we narrowed down to 10 or 12 for initial discussion, I think it would show some good faith in the system if we had a report, albeit the form I'm not sure of, which would have those three items which would whet the appetite of people.

Now, I say that mindful of an article in the *Edmonton Journal* that you have around the table here about the expectations of people. I think frankly we're going to be surprised by the magnitude of the response to the ad. I think a lot of people out there are saying, "It's long overdue, and this is what I think you should do," whatever that may be. I would fully expect words like "recall," things that we haven't thought of. I don't like the term "knee-jerk reaction," but I do know that there are many people out there who are disgusted with politicians, and one of our responsibilities, I think, is to give credibility to not only the political process but the politicians as well. So I think we're creating some expectations.

I want to be mindful of Bob Hawkesworth's suggestion, and I think I may have a discussion with Premier Klein on Thursday morning about his suggestion and see what the view of the Premier is.

Bob.

MR. HAWKESWORTH: I'm mindful of what Derek has also said: will we have matters of substance that we can sign off in time for a sitting of the Legislature? If we feel that there is a chance we'd have even one out of your three recommendations, that would certainly be something more than we have at the moment. How you see us arriving at signing off some recommendations that we might agree to — do you know what I'm saying?

MR. CHAIRMAN: Yeah.

MR. HAWKESWORTH: I wouldn't want you to necessarily go to the Premier with — how should I say it? I think you'd want to have something under your belt that we would have been able to sign off or reach some agreement or something on or close to it. Do you understand the point I'm trying to make here?

MR. CHAIRMAN: I hear what you're saying.

MR. HAWKESWORTH: Prior to going to the Premier, we should be clear in our own minds in the committee that we've got some consensus and an interim report of some substance.

MR. CHAIRMAN: What I felt I'd ask Premier Klein is this: in view of the fact this was a government motion — it's the same government with a new leader — what are his expectations, and we've considered the following items, and it would be the intent of the committee through its chairman to make a report to the Legislature on the progress of the committee with some discussion on those three items.

MR. HAWKESWORTH: Okay.

MR. CHAIRMAN: I'm very interested in hearing Mr. Klein's view as the leader of government.

Okay. Last business day, Thursday, we were into the Standing Orders, and we talked about hours of sitting. We got to daily routine, and there were various comments made. I see the Member for Clover Bar has supplied a document to the table with regard to the daily order of business of the Assembly. Speaker Carter's recommendations found on page 3 — this is from Dr. McNeil — deal with section 7 of Standing Orders. That's

probably what that refers to precisely, isn't it, Kurt? Standing Order 7?

MR. GESELL: Yes, and it goes on. There was some question, Mr. Chairman, about what my suggestions might be for the breakdown of hours devoted to certain business, and that follows, then, after the daily order of business.

MR. CHAIRMAN: Is it all right with the committee if Kurt speaks to the item he has provided us with for the daily routine, which incorporates, I suppose, the hours of sitting in the Assembly?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Okay. Kurt, why don't you lead us through this.

MR. GESELL: Thank you, Mr. Chairman. Well, the first item there is just a suggestion. Where what we call the ordinary daily routine business of the Assembly, section 7(1) – I couldn't resist; I've reworked it a little bit – they have 10 items right now in that category. I've narrowed it down to eight. This is just put forward for discussion really. I've combined some and included members' statements. I've made certain assumptions here.

The second portion in that one-page suggestion that I'm putting forward relates to the questions that were asked by the Member for Edmonton-Gold Bar with respect to: if sessions were to be from 1:30 p.m. to 6:30 p.m. Monday to Thursday and from 10 till 1 Friday, what would be my recommendations for the total number of hours for MLA motions, MLA proposed laws, and government business? So I've done that. I've made a suggestion here just for discussion purposes. I've allowed an hour for the routine business here that I've listed up on top. I think that's sort of a fair estimate of how much time is required to do those items. Then I've gone on to say that for Monday and Wednesday after that initial hour there would be four hours of government business, and then for Friday it would be two hours of government business. For Tuesday and Thursday after the first hour of the daily routine there would be Written Questions and Motions for Returns, and they might eat up some time, but I don't know exactly how much. There would then be for both days, Tuesdays and Thursdays, one and a half hours for MLA motions, one and a half hours for MLA proposed laws, and then one hour for government business.

Now, the question really related: what are the total hours? That's what I was trying to achieve by providing these suggestions. This would actually then permit three hours for MLA motions – I'm talking about per week here – and three hours for MLA proposed laws plus 12 hours for government business during the average week.

1:38

Now, as you know, Mr. Chairman, for the 12 hours of government business I need to relate to what our past experience has been, because evening sessions might or might not occur. So I've gone back and looked at the Fourth Session, and that was the spring sitting from March 19 to July 2 in '92 and the sitting for two days, September 21 and September 22, and then also for January 25 to February 12 in '93. I find there that there was a total number of 130 sitting days and a total of 58 nights that we sat. Also, the figure that I've received from the Speaker's office was 90 hours and 53 minutes for evening session hours that were spent during that time frame for the Fourth Session. If you work that out on a per night basis for the sittings that we had, it works

out to 1.57 hours per night. I'm trying to get a handle on how many hours government business is actually conducted during the week on an average. That 1.57 hours per night might be misleading because there might be certain nights during the week that we might not sit. So the statistics work out a little bit differently if you work it on a weekly basis.

Actually, according to the numbers I've been provided and if I do the calculations for the 130 days, that makes 26 weeks and 91 hours sitting. That works out to 3.5 hours per week, Mr. Chairman. Under the proposed suggestion – let me deal with that first – of the total number of hours I would end up with 12 hours for government business. Under the present system we actually end up with less, if I work by the actual empirical experience that we've had.

The question was put: how would government receive this set time frame for 1:30 to 6:30? Would that not cut into government business? Actually, I find by experience that it doesn't. It provides a little bit more time for government business even while MLA motions and MLA proposed laws receive more time as well. So everyone wins in this proposal.

MR. CHAIRMAN: Interesting, Kurt. In Standing Orders, Monday, Wednesday, and Friday are government days; Monday, Tuesday, and Thursdays evenings are government days. Based on what you've just told us, for every two days the House sat, we sat one night.

MR. GESELL: Roughly, yes.

MR. CHAIRMAN: In other words, there were a lot of evenings we did not sit, obviously, which removes that certainty that we talked about before: we would like to know with some degree of certainty when the Legislature sits.

Bob Hawkesworth.

MR. HAWKESWORTH: Just run those numbers by me again. There were 130 sitting days.

MR. GESELL: I will do the calculation for the previous years, starting perhaps with the First Session of the Legislature. For the Fourth Session we had 130 total sitting days and 58 nights that we sat.

MRS. KAMUCHIK: Mr. Chairman, I'm the one that put those statistics together. I know that we had 63 sitting days in the spring session, two more in September.

MR. GESELL: Oh, I'm sorry. I'm leaving off the winter days. You're correct, Louise.

MRS. KAMUCHIK: Then in January there were only three weeks. I don't know where the 130 days comes from. It's less than that. I didn't bring the binder with me unfortunately. We had 29 evenings in spring and September. We didn't have another 20 days in January. So the figures are less.

MR. GESELL: Yes, that's correct. I have double-counted those. Yes, I have, Mr. Chairman. I'm sorry. I'm giving you false statistics here. That's unfortunate.

March 19 to July 2 we have 63 days. Let me be precise here. September 21 to September 22 we have two days. Then from January 25 to February 12 we have 15 days. So actually we sat a total of 80 days, rather than the 130 that I counted.

MR. CHAIRMAN: And the nights, Kurt?

MR. GESELL: The nights I'm not correct on either, Mr. Chairman.

MRS. KAMUCHIK: Twenty-nine nights for the spring and fall.

MR. GESELL: I don't know how many nights for the winter.

MRS. KAMUCHIK: We didn't have sittings every night in the three weeks in January.

MR. FOX: Probably seven.

MR. GESELL: That's a guess. I'm not sure what it would be, Mr. Chairman.

MRS. KAMUCHIK: I can give you the correct figures later on.

MR. GESELL: Yes; I would appreciate that. I've made an error there, Mr. Chairman.

Nevertheless, in counting the total days that we were in the House and dividing that by, say, five days per week, which is an arbitrary calculation, I still end up with less hours for government business than what is proposed in the suggestion that I've put forward.

MR. FOX: I think it's an intriguing suggestion. I alluded last week to the reaction I think the media would provide to this, because it would mean that question period would finish an hour sooner, and that would certainly mesh with their deadlines in terms of issue development for newscasts. They'd like that. It's a little more confining for all three caucuses in terms of preparing for session, but I'm sure that could be worked around.

I would assume that if we were to recommend and eventually adopt this model, the evenings wouldn't be free of legislative business. They would end up being available for meetings of parliamentary committees that, I would certainly argue, should be established to facilitate public input, expedite dealing with estimates and, you know, a range of other things that we've talked about. Those evening time periods to some degree would be freed up for that with this schedule, so there are some appealing aspects to it.

One of the consequential things that would have to be dealt with though, if Kurt's model was the one we adopted, is with respect to the 25 days currently allotted to estimates debate in the House. You know, the government has a lot of latitude, too much latitude in my view, to determine what is and what isn't a day. In theory, we could debate a Bill from 8 o'clock till 10 o'clock on a Tuesday evening or a Thursday evening, and then they could call estimates for a department for 15 minutes and call it a day. I'm not suggesting that that would be done, but the latitude is there for that to occur, and I don't think anybody would like to see that.

If we were to define Tuesdays and Thursdays, with one hour on each day allocated to government business, as days for the purposes of estimates debate, it doesn't provide even enough time for the most routine or minimum scrutiny of estimates. So we may have to rethink that somehow. If we didn't consider those days for the purposes of estimates or if two of them together would equal a day, if the Tuesday-Thursday agenda for a particular department's budget would be considered, that would mean there would be four estimates days during a legislative week, which is one less than currently available to government.

MR. CHAIRMAN: Well, in a way we've tended to equate the number of estimates days with the number of government departments. There's been that 25 departments and 25 days, one day for each and so on. So theoretically it sounds pretty good. People's definition of a day varies very widely. Most people think of a day as your seven hours or eight hours or six hours, and of course that's not true. Once you call the estimates of that department, then it's deemed to have been, no matter how long you go, one of the 25 days. So it's not misleading, but it's very confusing. I think you're absolutely right. If one of those days is an estimates day, government business for example, for that one hour and they call a government department, I don't know who in their right mind thinks that really would construe an adequate look at the estimates of a minister asking for authority for supply for his department. I mean, that would be almost to the extreme.

Have you any response to Derek's point, Kurt, when he points out that that one hour of government business, unless it's not estimates . . .

1:48

MR. FOX: If I could just supplement that, too, for your consideration. The time periods on a Monday and Wednesday are four hours government business; on Friday, two hours. So we have to deal with the disparity of those time periods.

MR. GESELL: Well, I thought about that, Mr. Chairman. I felt that the opportunity under present rules exists for the opposition to designate which department is going to be scrutinized. Maybe there could be some adjustment made as to which department needs more scrutiny and which less; I'm not sure. Maybe that is one way around it, but I was waiting for some comments from the opposition members along those lines. You know, if it's a department that is fairly straightforward, that you could maybe deal with in an hour, it might be possible to do that within that time frame. Others might require more time. Treasury, for instance: I'm sure you might even need more time than four hours.

Mr. Chairman, while I have the floor, I need to correct those statistics that I gave you. I'm sorry; my addition was wrong here on the days. We sat a total of 80 days for the Fourth Session.

MR. FOX: So far.

MR. GESELL: So far, yes.

We've spent a total of 90 hours, 53 minutes for evening hours, but if I take the 80 days and divide them by five days per week – and that's fairly arbitrary – I end up with 16 weeks. If I then use that figure to divide into the number of hours that were spent at night – I used 91 – I end up with 5.68 hours for the evening. So if I combine that with the six hours we presently spend during the afternoons, I end up with 11.68 hours per week on an average. The proposal I put forward is for 12 hours for government business per week, so there's a slight difference: a little bit of an improvement, not very much.

The improvement really is – and I want to stress this, Mr. Chairman – in members' motions and members', what I call, proposed laws or if you want to call them Bills: an hour and a half for Tuesday and an hour and a half for Thursday. The same repeated again for the proposed laws, or Bills, I think is a considerable time. Hopefully that time frame plus perhaps some consideration of shortening the length of speeches that are provided in debate might actually result in some votes being taken on motions and proposed laws.

MR. CHAIRMAN: Built into the three hours for private members' business, how much time are you guesstimating for questions and motions for returns?

MR. GESELL: Well, that varies quite a bit, Mr. Chairman. Actually, I've looked at that section, and I might be suggesting some improvements there as well in order to streamline that a little bit. I've got some difficulties right now with that particular section because the Order Paper is inundated with written questions and motions for returns.

I'm wondering: if government MLAs such as myself – and I'm not precluded from putting written questions or motions for returns on the Order Paper – were to avail themselves of that same opportunity, that Order Paper would be extremely extensive. Just off the top of my head, Mr. Chairman, perhaps there might be a rule, similar to what we do with MLA motions, that would limit the total number of questions or motions for returns that might be on the Order Paper: that we have two as a maximum at any one time. If you have, say, three or four written questions, as just a rough example, on the Order Paper, you could renew those questions but not have 26 on there at any one time. You could have four at any one time, or some number like that. I know there are a lot of questions and that they need to be resolved, but it doesn't do any good if they're on the Order Paper and they're just repetitions from previous years and have been dealt with in previous years.

MR. CHAIRMAN: Premier Klein has stated that there will be access to information legislation in this spring sitting. He's indicated that. I think other jurisdictions that have access to information have a commissioner. Six provinces now have that legislation. B.C., Saskatchewan, P.E.I., and Alberta do not. They don't all have commissioners like Bruce Phillips or whoever the feds have. I just put this question: assuming there's a follow-through with Premier Klein's statement that access to information legislation will be introduced, one can only presuppose what's contained in that legislation. Let's say that there's a commissioner of access to information, say it's under federal law – I'm raising this in the context of written questions and motions for returns, where people are seeking information from the government of the day on various things – then it could well be that because of the legislation that may be in the Premier's proposal, there would not be the same need for this item on private members' day. Or it could be that until the commissioner has responded to a request for information, it could not be accepted on the Order Paper. I mean, there's surely a variety of things.

The only reason I mention that is that the Premier has spoken about proposed legislation on access to information, and we do know that historically on motions for returns, where a member legitimately wants information from the government, the government could spend an entire day refusing that information based on what we think. So we've got to look at that item motions for returns very carefully in context with statements the Premier has made about access to information, it seems to me anyway.

Bob.

MR. HAWKESWORTH: I just want to clarify one thing. When Kurt proposes one hour for the above routine, does that include a dedicated 45-minute question period?

MR. GESELL: Yes.

MR. HAWKESWORTH: You weren't proposing to . . .

MR. GESELL: No, I wasn't changing that. I think it should be restructured probably in some fashion. I wasn't talking about the time frame. Perhaps we might discuss . . .

MR. HAWKESWORTH: Okay. You're estimating approximately an hour would be taken for the above.

MR. GESELL: Yeah.

MR. HAWKESWORTH: Okay; that's good.

MR. CHAIRMAN: The new element, though, Bob, I thought you were going to raise was members' statements . . .

MR. HAWKESWORTH: Yes, I see that.

MR. CHAIRMAN: . . . and the time: like how many members and how long would the time be? Because if historically it takes about an hour now, I think . . .

MR. GESELL: That might take some additional time, yes.

MR. CHAIRMAN: So when you say members' statements, we should take a minute on what your thoughts are as to three members making a two-minute statement or whatever. When you say members' statements or ministerial statements, as you know, the major difference is that there's a response to a ministerial statement; a member's statement, presumably there's no response.

MR. GESELL: I would think that with members' statements there probably should not be a response. I also would want the members' statements to be reasonably brief so that there would be an opportunity for all members to make some statements within a particular sitting. So I'm looking at two minutes perhaps being a time frame for a member to voice some specific concern or make some specific suggestions on behalf of his constituency. Without a response to that, it's possible to get three or four members or even five in any one day without taking up too much of the time.

Ministerial statements: my experience has been that we don't see them that often. There may be some additional time required when they do occur, and that would then cut into some of the private members' business. It happens right now in our process. I think this would happen to a lesser degree, particularly with the initiative by the Premier that you've outlined, Mr. Chairman.

1:58

MR. HAWKESWORTH: Just shifting somewhat here to look at the question of members' statements, I think the practice in our Assembly is evolving to the point that Standing Order 40 motions are substituting for members' statements. You stand up, you give oral notice of motion that after question period you propose the following motion. Then after oral question period you get as much time as you want, although the Speaker ensures that the statements aren't very long. What you get is an opportunity to make a statement about something, whether it be to congratulate somebody or if there's an item that is in the news that you feel the Legislature needs to make a statement about. If you're pretty sure you can't get unanimous support anyway, you still have a soapbox or a platform to make your statement. That's really what I think Standing Order 40 motions are becoming, which indicates to me that there is a demand there amongst the members collectively for an item in our order of business to allow members' statements to occur, in which case I would think that if that happens, then there would be a stricter view of the purpose of Standing Order 40, and

that is to either be for congratulatory messages or for genuine, urgent matters that require debate or decision.

So I see real need for members' statements, and I think the practice is evolving that we're going to go through the back door to provide it with our current rules for members. It seems to me that there's a need there. Other jurisdictions do it successfully, I think, and I don't think there'd be a major shift for us to move in that direction.

I guess the other selling point, if that's what we would require here: as I understand it, Tuesdays and Thursdays now we have basically, give or take – what? – about four hours in total for business other than government business: two hours Tuesday, two hours Thursday.

MR. CHAIRMAN: You mean presently?

MR. HAWKESWORTH: At present isn't that the way . . .

MR. CHAIRMAN: Including the evening?

MR. HAWKESWORTH: No, no, no. Business other than government business: motions for returns . . .

DR. ELLIOTT: That's correct, Mr. Chairman.

MR. HAWKESWORTH: Yeah, so about four hours. Kurt's proposal here would see that move to six hours . . .

MR. GESELL: That's correct.

MR. HAWKESWORTH: . . . three of which would go towards private members' Bills, whereas the current arrangement is for one. So basically what the shift is doing is opening up more hours of the day for private members' Bills, the actual result of which . . .

MR. GESELL: Motions and Bills.

MR. CHAIRMAN: Private members' business, yes.

MR. HAWKESWORTH: Yes, but out of the approximately four hours a week that we spend now, only one hour is reserved for debate on private members' Bills, and your proposal here would see that increase to three hours.

MR. GESELL: That's correct.

MR. HAWKESWORTH: So basically the increase of nongovernment business, the move from four to six hours would see the major bulk of that change going in the extra two hours reserved or set aside for private members' Bills.

MR. GESELL: Yes.

MR. CHAIRMAN: Bob Elliott, and Derek maybe, on this very point, but I draw your attention to the fact that under the present system there's only one hour a week guaranteed now to private members because the balance of the time – Tuesday, Thursday – could be used on motions for returns, which is based on a lot of factors, the least of which is where a member stands on the Order Paper with regard to his or her motion or Bill. So I just ask you to bear that in mind. I don't know if Bob and Derek were on this.

MR. HAWKESWORTH: No, I understand what you're saying. Yes.

DR. ELLIOTT: You just touched on one of the things I want to point out, Mr. Chairman, and that is that the only thing that's protected for private members is that hour between 4:30 and 5:30 on Thursdays.

There are two things I want to point out. I'm at a bit of a disadvantage, Mr. Chairman, having missed a day last week. I was wondering if the length of debate time, which is presently 30 minutes per member, has been considered in the process to this point. I was wondering if Kurt had considered it. He made reference to the time of presentation under ministers' and members' statements. If it's okay to discuss that particular component in this context, I've always felt that the 30 minutes was unnecessarily long. I thought that we could still have very effective debates and make considerable progress in the Legislature with 20 minutes or maybe even 15 minutes as opposed to 30 minutes per member.

I also see that mix with Kurt's outline here, that instead of the House sitting six months it could probably sit in four or three. I see it as a much more efficient use of time in covering the amount of business that we're covering. I guess the other way to say that, Mr. Chairman, is that as the Member for Grande Prairie I feel that people in that Assembly are very cavalier with my time. I think we could do a much better job on behalf of the people of this province and in a much shorter time frame, and this is our opportunity to structure a timetable that will permit that to happen.

MR. CHAIRMAN: That's an interesting observation, Bob. Both Derek Fox and Bettie Hewes and others have raised this whole question of time limits on speeches. Derek made a unique comment last week about a declining number of minutes and so on. We've yet to come to that in the Standing Orders. I would make the comment, because you've made the comment as the Member for Grande Prairie about people in the Assembly utilizing your time, that there was a former minister of this Assembly who traveled to Lethbridge and spoke at a political meeting and made the statement that his understanding of the system was that a minister of the Crown's length of speech should be directly proportional to the distance traveled to make it and proposed to give a 15-minute speech that took him an hour and 10 minutes. The net result was that there were four people left when he finished. So one has to be careful about how one utilizes that time.

MR. HAWKESWORTH: John, would you care to give names, dates, times?

MR. FOX: That Johnston can go on, can't he?

MR. CHAIRMAN: It was not the former Treasurer. Derek.

MR. FOX: You know, the whole notion of limits to debate time needs to be discussed. I think I might take some issue with the proposal there. Certainly from the point of view of our caucus, neither Mr. Hawkesworth nor myself seem able to fill up the half hour that's available to us during debate on items, so we're perhaps not the best . . .

It is an important consideration, and I think if we're to look at that, make recommendations, we have to differentiate parts of the legislative agenda. It would be reasonable from my point of view to consider limits in estimates debate that are somewhat different than limits during debate on proposed legislation. For example, we can say that the first speaker from each caucus would be limited to 30 minutes during estimates debate, the second speaker

20, and any speaker thereafter, including someone who's already spoken, 10 minutes or something like that, just as an example, to try and focus. We have to bear in mind that as someone who's fought legislation in that Assembly, some of which I believed was very onerous at the time – and I think I've been proved correct; that's my opinion – the only tool that we have at our disposal is debate. Sometimes the length of time that you can engage in debate to present arguments is sort of the only tool in your arsenal when you're a member of an opposition, and if we're going to erode that right . . . I mean, there are government members, none of them in this room, who call for the question immediately a Bill is introduced in the House because they feel, and I've had them say it to me, that any debate on a Bill is a waste of time because it's been thoroughly discussed in caucus and we should just vote on it and pass it through the Legislature. I know that's not what we feel. I don't sense anyone saying that in this committee. I certainly don't feel that way.

2:08

DR. ELLIOTT: That's not the point.

MR. FOX: No, I know, but there's a balance that needs to be found there. As a member of an opposition caucus who plans on being in government, I think it would be reasonable to put some limits during estimates debate, but I would be very reluctant to give up the time that we've used during debate on Bills.

At any rate, in terms of the proposals here, I like them, and if I could just go through them quickly and give my response.

Prayers, of course, open every session, and I made some suggestion that we might want to consider that Mr. Speaker could designate a member of the Assembly.

DR. ELLIOTT: Just an allowance for it.

MR. FOX: Yeah. Bob, I don't think you were here that day when I pointed out that in some Legislatures the Speaker will call on a member to lead the House in prayer that day.

Introduction of visitors and guests: that combines two items in the agenda and doesn't differentiate, or maybe we could even just use one word. Anyone who visits is a guest of our Legislature. Whether they're young or old or deemed significant or not by virtue of position, I think they're all important to us, and combining that is a good idea.

Notices of Motions, presenting and reading petitions, reports and returns: all fairly straightforward.

Introduction of proposed laws: I presume you're changing "Bills" to "laws" because bills are something that people don't like to receive and sometimes have trouble paying. This is plain language that makes it clear what we're doing: we're proposing laws. I think that's a good change that Kurt's suggesting.

Ministerial statements come from time to time, and there is a response. I don't see much need to change that.

The members' statements I think could easily be a part of the daily Routine and assigned on a strict pro rata basis, where there are, let's say, in our current system 40 government MLAs who aren't members of Executive Council and 14 New Democrats and eight Liberals, I guess, who would be backbenchers, because there are the leaders.

MRS. KAMUCHIK: Nine Liberals.

MR. FOX: No, one's the leader.

MRS. KAMUCHIK: Oh, okay.

MR. FOX: You know, if we wanted to compare leaders of parties to cabinet members.

The members' statements could be divided on a strict formula: three per day and allocated to the caucuses. I think Bob's point is well taken that that would not only allow members the opportunity to make concise statements on issues of concern to them and their constituents but would save us time in the long run because there would be a corresponding reduction in Standing Order 40 requests. So I think we should recommend that that be part of every day's agenda, and I suppose two minutes is plenty of time for someone to articulate a point if they're not engaging in debate. Three per day: that's 15 a week. It could be scheduled quite simply through negotiation with House leaders.

Then Oral Question Period: the standard 45-minute time period.

In terms of the business allocated, maybe one way of getting around this concern I raised about estimates and finding a day – which on the face of it is four hours here on a Monday and a Wednesday, one hour on a Tuesday and Thursday, and two hours on a Friday – is that we could look at saying that in that part of the Standing Orders that defines days with respect to estimates debate, that time period shall be no less than three hours of debate in the Legislature. So on a Monday, for example, the government calls a particular department's budget for 2:30. We debate that till 5:30, and if a vote is going to occur, if they want to carry it through till 6:30, that's the government's prerogative, but if they want to suspend debate on that item and initiate debate on the next department, that's fine too. Then that could carry over onto Tuesday and carry on to Wednesday. You know, it would be up to the government to structure through negotiation with the opposition House leaders some sort of a timetable, but if the understanding was that for the purpose of a day, three hours would be the minimum time period, that doesn't mean it would always get used. Some departments have relatively small amounts of money allocated to them and aren't particularly controversial in terms of their mandate.

So if we could come up with something like that, I do like the proposal. I haven't had a chance to talk to Bob about it, but I could certainly take it to our caucus for consideration as something that we would recommend. It allows more time in a structured way for MLAs to bring forward the concerns of their constituents in a guaranteed way through proposed laws. We could even structure that with requiring that votes be held on a certain number of items so that the Legislature is compelled to express an opinion on items that are brought forward rather than just a couple of members speaking on them. I think that's one thing that people are looking for: more opportunity to see their concerns raised in the Legislature through their MLA. I think this is an important opportunity for government MLAs who are often shortchanged on the legislative agenda because there's a fixed amount of time: the minister speaks, the opposition critics speak, and the time is usually up, whether it's on estimates or Bills. So I think this has got a lot of potential.

MR. CHAIRMAN: Before we hear from Bonnie and Bob Hawkesworth, Kurt, I'll just take you back to your proposal. Talking about plain language, should not Notices of Motions read "oral notices of motions"?

MR. GESELL: Yes.

MR. CHAIRMAN: Because we put the oral in the question period. As you know, Votes and Proceedings is the formal process of serving notice, so it may be that.

I want to just spend a minute on members' statements so we're clear, because Bob Hawkesworth made reference to Standing Order 40. There's Standing Order 38, there's Standing Order 30, and there's Standing Order 40. Under 38 there's a process that one day's notice is given, et cetera, et cetera. In terms of the member's statement, which I think would be a very, very positive thing to do, at first blush I would oppose allocation to caucus. I do believe there have got to be some rights for members, and if a member is at odds within his or her caucus, I don't think that should prevent a member from making a member's statement. So I do not believe it should be allocated to caucus as a principle. I think a member must have that opportunity, but how?

I don't want to get into the time limits on speaking; we're going to come to that, but that's an integral part of what we're hearing anyway. Under Standing Order 38 you give notice to the Speaker, and I think members should give notice to the Speaker about making a member's statement. The unique difference between Standing Order 40: it's "urgent and pressing" business by definition in the Standing Orders, whereas a member's statement may not be urgent and pressing business to anybody except him or her. I almost think the member's statement should not be based on provincial policy unless it applies to his or her constituency. I really think the gist of a member's statement is an item within my constituency that I want the Assembly to be aware of. That's how I sense this, as opposed to Kurt Browning; i.e., Standing Order 40: I move, et cetera, et cetera, et cetera. I'd agree with Bob that Standing Order 40 presently being used – that member has every opportunity to make a statement, more than an ample opportunity depending upon the mood of the Speaker at the time or whoever is in the Chair.

So I think a member's statement is very important. I almost think they should send notice to the Speaker, and the Speaker should choose. I like the idea of three or five if it's two minutes, something like that, and it's a defined 10-minute period in the routine. The Speaker could make the allocation based on those that are received, based on precedent, and that precedent would be the *Erskine May* definition of debate; i.e., the pro and the con, the pro and the con, the pro and the con, or government member, opposition member, opposition member, and so on.

If a member wants to make that statement, then I think the Speaker has really two choices: one, to have people request in writing to the Speaker, "I wish to make a member's statement on Tuesday," or whatever; or members' statements called out by the Clerk, and the Speaker then recognizes members as they rise, to a maximum of five. I have every confidence that the Speaker would balance that off as to who was chosen; i.e., it wouldn't be all government members, it wouldn't be all this, it wouldn't be all that. I think there are two variations, but I feel very strongly that a caucus shouldn't decide which of its members may make that statement, just as a matter of principle.

2:18

MRS. KAMUCHIK: Mr. Chairman, in some of the other jurisdictions the member can get up and make a statement on any area of concern, and they also allow in some of them, if it's a government department, a response from the minister. So that might take more time, if you get into a response scenario as well. I don't know what you may have in mind for members' statements.

MR. CHAIRMAN: Well, my thought on members' statements was that there would never be a response allowed. It would be a statement of fact, although fact is in the mind. It is as *Beauchesne*

says: every member's word is accepted as being correct. There's never an argument about a member's statement in the House.

At some point we're going to get back to the estimates, because Derek made some comments about how long and this and this. I'm of the view that when a minister asks for supply, there should only be questions asked of the minister and not statements.

Bob, I didn't mean to – I recognized you next, and then I myself interrupted.

MR. HAWKESWORTH: Okay; that's fine. While we're looking at variations on this framework that Kurt has presented to us, you might give some thought to Tuesday for example. Maybe it would be two hours for MLA motions and proposed laws and two hours for government business, and then on the Thursday you could have a four-hour time period. That might move it to some extent to take into account the concern Derek has raised about how this might impact on a day for Committee of Supply purposes to review estimates in terms of Standing Orders.

MR. CHAIRMAN: Bob, can I just interrupt you?

MR. HAWKESWORTH: Sure.

MR. CHAIRMAN: If we went along with a recommendation based on Bettie Hewes' subcommittee system of estimates – i.e., we have two or more subcommittees meeting – would that not impact on what you've said as it applies to Derek's comments about the estimates? I think we should explore a subcommittee for estimates as opposed to just the House sits.

MR. HAWKESWORTH: Well, that's an important point you raise. What we're trying to do is sort of keep half a dozen distinct issues distinct. One day we talk about enhancing the role of the private member, and the way that you responded to the question of members' statements sort of brings that issue back off the table and incorporates it in some way. If we perhaps can use another issue that's out there and incorporate it to make a good solution to a problem we've got, so much the better. I guess in a way I'm looking at the Standing Orders in isolation from those other questions, and that's fair enough.

One thing you and Dr. Elliott may have had some experience with were the temporary Standing Orders. I know that when we arrived in the Assembly after the election in 1986, those temporary Standing Orders had been in place for some time, I guess on a trial basis.

MR. CHAIRMAN: I think they were brought in in '84.

MR. HAWKESWORTH: Was it '84? One of the provisions in them was that the Leader of the Official Opposition once a week could designate an item for business on one of the hours.

MR. CHAIRMAN: Wednesday.

MRS. KAMUCHIK: It's still in the Standing Orders though.

MR. HAWKESWORTH: No, no. That's for supply. There was something on the Thursday, I thought.

MR. CHAIRMAN: A motion on the Order Paper he could designate.

MR. HAWKESWORTH: He could designate for debate a motion on the Order Paper, notwithstanding whatever its order was, on

private members' day. I can't remember the exact wording and I don't know what your experience was there, but that's an item that if we have four hours on a Thursday – I'm just sort of taking the point of adjusting the proposal that Kurt has made here. If we were to set aside two hours on Tuesday and four hours on Thursday for business other than government business, some portion of that might be designated by the Leader of Opposition along the lines that previously were part of the temporary Standing Orders for the Assembly. That might avoid some of the scramble that I sense from time to time to fill up the Order Paper in order to ensure that some of your business reaches it to the top. So, you know, the first day that we're back, there are 60 private members' Bills introduced even though only 15 or 20 of them ever get debated whatsoever. If there was some mechanism, perhaps that scramble to meet the requirements of our Standing Orders might be alleviated.

Anyway, I raise it because you were around when they were used, although you were on the government side of the House. That's one that I think would bear some discussion or examination.

MR. CHAIRMAN: Bonnie, do you want to comment now? I was going to raise a further point to this issue.

MRS. B. LAING: Well, do you want to go ahead? I can comment later.

MR. CHAIRMAN: Well, there's no question that he who owns the government owns the Legislature in terms of how the Legislature is utilized in the final analysis, because it's a one person, one vote concept. Back in '84, when that temporary amendment to Standing Orders was put in place, the Leader of the Opposition could designate any motion on the Order Paper to move to the top for today's business. It was a very important element or perceived to be a very important element. Mr. Lougheed and company made that decision. I can't even remember the arguments between the House leader and the Premier. They said it was a good thing, and it became de facto. It was done.

I don't remember the arguments for it, but it seems to me that there should be some mechanism in place other than unanimous vote of the House. If you look at Standing Order 30 and Standing Order 40, you end up that it's the will of the majority that determines whether or not certain items will be discussed. Except for question period there is no inviolate rule as to an Official Opposition having rights in the House as to discussing a pertinent subject; I mean, there's just not. You go on the Order Paper; you wait your turn. If you get unanimous agreement of the House, you can move anything on the Order Paper to the top. You know, that's easier said than done. So it's not a bad idea.

Members' statements is one way whereby there's a guarantee of getting something on the floor of the House even if it's only a statement. A government has that prerogative at any time on any day through Ministerial Statements, not just on government days, on any day. So the flip side of that is the right of the individual member to have that opportunity. One, clearly, is members' statements. The other: frankly, for those who understand matters of privilege, there is no way under privilege, unless there's been an offence committed, you can even raise it. Some people think you can raise it on points of order, but if you look carefully at the rules, unless there's an infringement of something in the House, none of those things are in order. They're just stopgaps to try and get attention and get your point across, maybe out of frustration by a member. So I think it's an excellent idea to have members' statements.

2:28

The other point that's probably equally important is an Official Opposition or an opposition party in the House having a right at some point to see that business which they perceive to be important to the public is heard as opposed to a unanimous vote to be heard or a majority vote to be heard, if you hear what I'm saying. I hope I'm not muddying the waters. We had that during that period, where one day a week the Leader of the Official Opposition had the right to designate. It wouldn't be a bad idea to go back through *Hansard* – oh, for a researcher on this committee – to identify what those issues were. I think that would be extremely interesting.

MR. FOX: Getting back to members' statements, I think we should try and define some things in a way that we can agree with so that at the end of the day we have some things that we feel good about together. On members' statements I think we're all enamoured with the idea and see merit to the idea. Your concern about ensuring the right of each member to participate in members' statements irrespective of decisions of caucus I think is valid. What I was thinking is that the number of opportunities afforded each caucus could be balanced on a prorated sort of basis so that each caucus is guaranteed a number of members' statements, so that each member would have the opportunity to make a statement during the number of sitting days during each session. I think that can easily be dealt with.

I wouldn't like to see us restrict what a member could say during that time. It may be lobbying for a project in a constituency, making a statement on behalf of a group or people generally in the constituency. It could relate, as well, to just a concern in general about government policy or perceived needs of the people of the province. I don't think we should put any limits on members' statements other than – well, I don't know that there should be any limits that aren't already there with respect to limits on debate and decorum in the Assembly.

I agree with you, Mr. Chairman, that I wouldn't like to see responses to the statements. I think it would just muddy the waters, and there are other opportunities to respond to statements. From experience in question period, certainly members can ask questions; ministers can decide how they respond, in what form they respond, and always have the last word. It might be nice for members, both opposition and government, to have if not the last word the only word at a particular time. You know, let a member's statement say what you want to say on behalf of the people you represent, get it on the record, and sit down. So I would lobby for that being no less than three per day and no more than five, although I suspect three would be more than adequate over the long haul. It's not something that we've had in this Assembly.

DR. ELLIOTT: Three members?

MR. FOX: Three per day; that's 15 a week in an average week. That would mean that pretty well every month, in a full month of sittings, each non Executive Council member or leader would have opportunity for a member's statement. That would be almost once a month. I think that would be a welcomed opportunity. I know that in the lobbying efforts of the Member for Edmonton-Highlands on behalf of the Official Opposition in trying to fight for members' statements being part of the agenda, it's always been discussed by government, I think, as something that would occur one day a week for a 10-minute period of time or something and that that would be time taken away from Oral Question Period.

Then, you know, we got protective of that time and negotiations broke down. But if we described it as being part of the routine orders of the Assembly that would follow a ministerial statement, if there was one, it needn't take away from Oral Question Period. I think that one hour that Kurt is allocating for routine orders on a daily basis is generally more than adequate. There are times when we go longer, depending on the number of introductions or pertinent items, but often it's less. It's often less than an hour, so on average that would sort itself out.

MR. CHAIRMAN: Bonnie. Sorry I didn't get to you earlier.

MRS. B. LAING: No, that's fine.

I really would support members' statements as well. I like the idea of them being prorated, though, because I believe presently – these are just rough – the Liberal opposition speaks at least twice to the Official Opposition, and the Official Opposition speaks at least three times more often than we do because of the numbers. If you just rotate through, again the government members are sort of handicapped, I suppose, because of their sheer numbers. It gives basically the smallest caucus the largest number of turns, so I kind of question the fairness as to that. Again, I think that would be a very good format to follow: having them prorated, having them daily, and a maximum of three. I don't see anything wrong with that.

One question I had was: suppose something came up that was very urgent in a member's constituency. If it's all cut and dried, how could you address that? I'm thinking perhaps of the time when the little boy was murdered in my area. It was something that came up very quickly. Would there be a way of addressing those kinds of times when a member might want to go on record as, you know, expressing concern about a tragedy or sympathy for that type of an event? How would you handle those?

MR. CHAIRMAN: That's where Derek's point comes in about the caucus designating.

MR. FOX: I don't think I ever said that caucus designate. If I did, I'd rather it be that they'd be allocated to caucus based on the number of members available, but your insistence on each member being assured an opportunity is important.

MR. CHAIRMAN: I feel strongly about that, Bonnie. Now, Bonnie Laing is also chairperson of the Calgary caucus. I want to address this in the context of members' statements. Something of great significance or urgency happens and you have five, seven, nine, or 11 colleagues, depending on election results, come to you as the caucus chairman for the city of Calgary and say: "This is important. You talk to the Premier. You do this. You do this. You do this." You say that the way you utilize that concern is in the House under members' statements. How would that be done or could it be done and so on? A very important item. We have two members here who serve on the executive of the ND caucus who are probably charged – I don't know their business – with certain responsibilities and so on, and there's got to be some provision for that getting across. So the member's statement is not a simplistic thing. I feel extremely strongly about a member's right to have the say to represent constituents in the House and be heard and for the caucus not to say no. I know that if we're not careful, that could easily happen.

You raise an interesting point. Does that mean we would do away with Standing Order 40 if we have members' statements, Bob? You're the one who mentioned Standing Order 40. It would look after Bonnie's concern if Standing Order 40 remained.

MR. HAWKESWORTH: That's right. I agree. I think it's still important to retain Standing Order 40 for many of the reasons that it's also currently being used for. That's to send messages of congratulations or for the Leg. Assembly as a whole to – well, we sent a message to Mrs. Sauvé's family on her passing, and for a similar kind of category to the one that Bonnie has raised here, where things happen when the Assembly would want to maybe put its collective unanimous view on the record. I think that's still an important function, and it would still be important to have a mechanism retained to allow us to do that.

I was mentioning that it's also being used to fulfill another demand. The fact that we're using Standing Order 40 in another way indicates to me that there's a need in the House, a need for the members of the Assembly to have a forum to make brief statements of, well, pertinent, timely issues that perhaps you can't always get at in the forum of question period, debates slated for that day, a Bill, or any other motions that are on the Order Paper but requires the opportunity for someone to make a quick minute and a half, two minute statement. That's what Standing Orders are also being used for, and that's why I think the members are in effect saying that we need some outlet for that kind of opportunity.

2:38

MR. CHAIRMAN: Well, Standing Order 40, so we understand the term clearly, is to interrupt the normal business of the House to deal with an urgent and pressing matter – and that is in, obviously, the eyes of the beholder – and an attempt to convince other members of the House that indeed it's urgent and it's pressing. I'm not necessarily an expert on the Standing Orders, but it seems to me that once permission is granted under Standing Order 40 – i.e., unanimous consent is given to interrupt the business for you to propose an item – as I understand Standing Orders, speaking time is 30 minutes, and this is an important consideration. I can't ever recall anybody utilizing the full 30 minutes in that. I don't want to look at the abstract, but you've got to consider the theoretical. It's like the Motions for Returns utilizing completely a private members' day. Theoretically, Standing Order 40 could engender enough debate that you would occupy the entire afternoon. Just so we're mindful of that.

Coming down to the item under discussion though, Kurt's proposal, the members' statements. I think it would be a major improvement in the House, giving rights to an individual member. The process we'd have to discuss – as to how many, how often, who would decide, which day it's heard, and so on – but I think it would be an excellent improvement over the present system.

Derek.

MR. FOX: Just to respond to Bonnie's question. It would seem to me that, you know, there'd be scheduling done. They'd be allocated to caucus based on the number of members that should be given an opportunity to raise their concerns in the form of a members' statement. If Bob Elliott is the member from your caucus listed for that day – or maybe there'd be two of your caucus members listed that day – and you've got an item just burning inside you that's got to be raised that day, presumably you could talk to Bob and as your colleague he'd say, "Well, you can take my place; I'll trade with you, so I'm scheduled for next Thursday," or whatever. I mean, it would seem to me that that would be between you to sort out and that it would actually work out well.

MRS. B. LAING: Well, the only reason I asked that was because the comment was made that you'd have to let the Speaker know a day ahead. So the Speaker would have the list for members'

statements, and you're not on there when an emergency comes up. Maybe Bob's community has a flash flood or something.

MR. FOX: Well, the Speaker is pretty flexible. You know, it's unlikely the Speaker would object if two members asked to trade places.

MRS. KAMUCHIK: Last minute changes occur all the time.

MR. FOX: They do, and for whatever reason. The reason is your own. If Bob agreed to give you his spot, I don't think anyone would question that. I think it could easily be done.

MR. CHAIRMAN: Then on the proposal from Kurt before us, if we could agree in principle to adopt it, that would be number one. Secondly, I feel strongly about Motions for Returns occupying a complete members' day. I hope members are mindful that under the present system — it may be the access to information where we move a lot of that; that I don't know. But we should be mindful in proposing it that where we now have a guarantee of one hour of private members' business in a week, that's the only guarantee we have. I say private members' business; I don't mean to take away from a private member putting a motion for a return on the Order Paper, but theoretically there are party positions. With that caveat are we in general agreement that we would follow through on Kurt's proposal? Really, I guess, two caveats: one, we have to work out a system for members' statements; secondly, I guess I'm the only one that's shown a concern that motions for returns could occupy the entire day. I think the Speaker's generally ruled that a ministerial statement cannot exceed five minutes; the response, almost by definition, shouldn't exceed the ministerial statement.

MRS. KAMUCHIK: Three minutes, as it is now.

MR. CHAIRMAN: Three minutes. I mean, they're pretty well done.

MR. FOX: The other item is the definition of a day with respect to estimates debate. You've pointed out that that's related to the way in which that debate may be structured in the future, but it's certainly part of something we need to work out here. Bob Elliott's concern, the item he raised about length of speaking, is related, although I don't think it needs to be defined for us to adopt this item.

DR. ELLIOTT: I agree.

MR. FOX: Whereas the description of estimates is linked very directly to this.

MR. CHAIRMAN: Just before I recognize Bob, I draw your attention to where we are on page 3. I don't know whether or not there is anything significant about Introduction of Visitors as opposed to special guests; they've been combined in the proposal. I don't know of any historic precedent. Generally, a visitor is someone who is a VIP, of special note, a visiting parliamentarian, et cetera, et cetera, et cetera. In the proposal we list visitors ahead of guests in the daily routine. So I would assume that it's up to the Chair to recognize first whichever member is going to introduce the visitor. I mean, that's just an assumption. We don't hang up there, eh, Derek?

MR. FOX: No. Although the suggested revisions provided by the Speaker recommend removing the word "special" from Introduction of Special Guests because all guests are special, and that makes sense, but it does make the case for keeping two separate agenda items for visitors and guests, visitors being people who visit the Assembly and guests being guests of members of the Assembly. I think that's the reason they do that, but I don't see much of a need for that. I think we could describe everyone as guests, and those seated in the Speaker's gallery shall be the first introduced. It would be protocol among members that if there are any who are elected members from other jurisdictions or delegations or whatever, they could be introduced before others, if that would satisfy the agenda. It seems to me that everyone who visits here is important, and the distinction is sometimes confusing for people. Even members after several years in the Assembly sometimes jump up at the wrong time and introduce somebody. So I would recommend just calling them guests because everyone's a guest of somebody in the Assembly, be it the Speaker or members of the Assembly, and that it all be one item there.

2:48

MR. HAWKESWORTH: Can I just revert back to the point you raised about Written Questions and Motions for Returns? At this point we're just exploring a proposal here. I think I understand the concern you're raising there from a couple of different points of view. I can certainly see where a government could call Written Questions and Motions for Returns and you could spend the whole afternoon just dealing with that, and MLA motions and proposed laws would not be dealt with.

Let's just play around with the idea. Conceivably, on a Tuesday you would have two hours for MLA motions and MLA proposed laws and two hours, let's say, following that for MLA nongovernment business. The residual time could be reverted to government business. Tuesday would be the only time Written Questions and Motions for Returns could be called. That gives both sides of the Assembly an incentive to deal expeditiously with Written Questions and Motions for Returns. I'm just trying to think of structuring our Standing Orders. If the government wants to get to its two hours of business that day, it's in their interest to move Written Questions and Motions for Returns along. For the opposition, generally speaking the ones who have the written questions, motions for returns, and many of whom also have their motions and proposed laws also ready for debate, this would be an incentive for them on Tuesday to deal with Written Questions, Motions for Returns as expeditiously as possible too. Just another thought.

MR. CHAIRMAN: I can't ever recall Written Questions taking even three minutes.

MR. HAWKESWORTH: Oh, I'm sorry. I think that's right. It's motions.

MR. CHAIRMAN: Okay.

MRS. KAMUCHIK: They're not debatable.

MR. HAWKESWORTH: You're quite right; the debate on Motions for Returns is quite quick.

MR. CHAIRMAN: Derek, then Kurt.

MR. FOX: Yeah. I don't think it matters how many Written Questions; they're well defined and should remain part of the

agenda as they are, I think. Your concern about Motions for Returns I think is a valid one. It's a bit of an anomaly in a sense. It occurs on private members' day, and private members are the only ones that can submit motions for returns, but it's up to the government to decide which ones are debated. So that can take precedence over what is sort of an established order for motions that remain on the Order Paper that any member may place there up to a maximum of two. I think it is important that the government maintain some . . . [interjection] Sorry?

MRS. KAMUCHIK: Members are allowed more than two motions for returns. Are you talking about motions for returns?

MR. FOX: No. Two on other motions.

MR. CHAIRMAN: Resolutions.

MR. FOX: No limit on motions for returns currently.

Yeah, resolutions might be a better way of distinguishing that for the purposes of this debate we're having. The government needs some flexibility because not all of them can be dealt with at any given time. Some are never dealt with, but some consideration needs to be given before dealing with them, so I think the government needs to retain some flexibility. Members as well need to have access to that part of the agenda I think, because under our current setup the two resolutions that each member can submit have to be submitted by a certain date in advance of the opening of the session in order to be part of the draw and the order established. That's the way the order is unless it's altered by unanimous consent.

MRS. KAMUCHIK: One more thing. If members submit only one of these motions that go into the draw and then later on during the year want to submit another motion, they can do that.

MR. FOX: Oh, sure.

MRS. KAMUCHIK: It just falls to the bottom.

MR. FOX: Oh, yes. Yeah, I understand.

MRS. KAMUCHIK: They don't all have to be in. The two of them don't have to be in in time for the draw.

MR. FOX: Right, but if you want yours considered, often members do that.

MR. CHAIRMAN: If they're ever to be heard.

MR. FOX: Yeah, if they're ever to be heard, you get them in there. All caucuses I assume go through some sort of a prioritizing process to accommodate that, but there are things that come up, issues that arise, questions that come forward that you can't anticipate. You need to have spontaneous access to the Order Paper, and Motions for Returns provides that. I think it's important that we leave that there and maybe provide some structure.

If I can follow a little bit on what Bob was saying. Although we haven't adopted a particular time frame, if I could just use the one that Kurt's laid out for us: one and a half hours for MLA motions every Tuesday and Thursday and one and a half hours for MLA proposed laws. We could maybe change that to two hours for motions every Tuesday and Thursday and one hour for laws every Tuesday and Thursday. That would double the number of hours that we have available for debating proposed laws. That's

one suggestion. That no more than one hour allocated to private members' motions be consumed with debate on motions for returns: that could be a limit. That doesn't mean that any would be called or that any time would be devoted, but if they are called, no more than one hour of that private members' time be eaten up with that. Then, you know, that would allow that spontaneous access to the Order Paper that both private members and Executive Council need to have but still guarantee that a certain amount of time on the agenda is devoted to resolutions and Bills, of course, or proposed laws that members bring forward.

Often it's something that you have to play with. I mean, you have to use the rules to accomplish your objectives. If we're in the Legislature and it's 20 to 4 on a Tuesday afternoon, or let's use a Thursday because it's a little more defined agenda, and a motion doesn't come to the floor before 10 after 4 that day, then it retains its place and would be debated the following Tuesday. So sometimes an opposition might be obliged to keep debate going on something that may be of no consequence but is what the government's put on the agenda through Motions for Returns in order to have a reasonable amount of time to deal with something that is important by way of the resolution that's on the top of the Order Paper. If we eliminated that little bit of whimsy or jockeying that has to occur around those time limits, perhaps we'd be accomplishing something here.

MR. CHAIRMAN: If I can put it this way: Bob Elliott has Motion 222 on the Order Paper and it is up next Tuesday.

MR. FOX: It's one I agree with, by the way.

MR. CHAIRMAN: Sorry, 223. Bob has access to the government caucus, convinces the government caucus that it's very worthy of debate for two or three hours, maybe even a determination of the outcome; i.e., a vote. As a government member he has that option, we'll say, whereas the opposition doesn't. The government, because of this Order Paper, can then have all motions for returns stand thereby giving him the whole afternoon, and because the motion that they stand is procedural, it's not debatable. So in essence the government, we'll say, bends to his wishes and so on because he's convinced the government to do that. Now, have we at that time removed any rights of opposition members under private members' business to have a hearing on Motions for Returns? That's another question. That's the present way, by the way. That could be done now.

The flip side of that: Motion 222, Mr. Fox, is up on Tuesday. The government for whatever reason decides: "We don't want to hear that, because he's so eloquent that he captures the imagination of the electorate. We don't want him speaking. Therefore, Motions for Returns will occupy the entire afternoon." From the government point of view that's not difficult, because you have six that you don't wish to answer at this time, but you'll debate them and run out the clock so Mr. Fox, 222, cannot be heard. Do you see what I'm getting at?

So be very careful in changing the rules on Motions for Returns. The ace in the hole may be the access to information; it may eliminate a lot of these. I don't know.

2:58

MR. FOX: What if you put a limit on it like I suggested?

MR. CHAIRMAN: Well, that's just what I'm wondering about. If you put a limit on it, what are the pros and cons of that limit?

The item we haven't talked about at all here, which was mentioned by Bob Hawkesworth, is the designation on a day by

the Leader of the Opposition of any item on the Order Paper, any resolution. It's got to have a little more discussion, I think, because that could dramatically alter the quid pro quo, I would submit. So you almost have to look at that in context. I'm not so sure anybody's mind is made up that the '84-86 experiment was bad. I mean, I'm not sitting in judgment of it. It was recognized at the time as being beneficial to all parties or it wouldn't have happened. So to me that's an element in there. The difficulty with putting a time limit on Motions for Returns: what are the liabilities? What is the disadvantage of putting a limit on it? Do you then force debate until that time?

MR. FOX: Well, debate sometimes adjourns. You know, the government caucus or the Deputy Government House Leader will move adjournment of debate on a motion for return to move on to the next item of business, but a vote is not always held on every item. So that wouldn't change from the current circumstances.

MR. CHAIRMAN: The other big surprise, obviously, to the opposition since Mr. Klein became Premier, is the number of acceptances of motions for returns. I mean, that's got to be a surprise to everybody. I don't know what the record shows, but at least a ten thousand percent increase in acceptances. I say that with tongue in cheek having been responsible for that and going by certain directions and so on.

Well, with those caveats – Derek Fox says that we're going to have to define what a day is in estimates. Right, Derek?

MR. FOX: Right.

MR. CHAIRMAN: You pointed that out. We must determine at some point the length of speeches, because I think we're agreed that they must be modified. As to how, we've yet to determine.

MR. FOX: I made the point – and I think Bob Elliott agreed with me – that that might be an item for discussion, but it's not something that we have to resolve with respect to this comprehensive recommendation that Kurt's making.

MR. CHAIRMAN: Okay.

Then the third one. Bob, do we have to consider the proposal in front of us in conjunction with designating a motion on the Order Paper on a given day by a given person; i.e., the Leader of the Opposition? Is that an integral part of the proposal?

MR. HAWKESWORTH: It's not an integral part, but it is one that I think fits, given the discussion.

MR. CHAIRMAN: If it's going to fit anywhere, it's got to fit here; doesn't it?

MR. HAWKESWORTH: Yeah; given the discussion that we've had, this is the appropriate time to raise it.

MR. CHAIRMAN: If I can do it in time for tomorrow, would members find it helpful to do the history of the amendment to the Standing Orders in '84?

MR. FOX: Sure.

MR. CHAIRMAN: Maybe I can get a researcher to.

MRS. KAMUCHIK: I might have that, Mr. Chairman. I'll check on that.

MR. CHAIRMAN: Okay. In *Hansard* there would have been a speech in the House relative to the proposed amendment. That's what I'm getting at. Okay?

MRS. KAMUCHIK: No, that I don't have.

MR. CHAIRMAN: Okay.
Bonnie?

MRS. B. LAING: Mr. Chairman, I had written down as the caveats: determining a system for the members' statements; definition of the day with the estimates debate. Those are the two I had down. This other proposal I don't think was one that we had originally put down as a caveat. I would certainly like to see the history and the reason and how it worked.

MR. CHAIRMAN: Okay.

MR. FOX: Yeah, I think the success of Kurt's proposal doesn't hang on either the length of speaking time . . .

MRS. B. LAING: I don't think it does either.

MR. FOX: . . . or the Leader of the Official Opposition designating. It could improve and supplement, but it's not crucial.

MRS. B. LAING: It's not part of this proposal.

MR. HAWKESWORTH: I'd personally like to thank Kurt for putting the time into this that he's put into it. Given the response that we've given to it, I think there's generally some favourable reaction to it. I just want to say that I appreciate him taking the initiative and doing the work on it.

MR. CHAIRMAN: I appreciate that.

Bonnie, the caveat was the system of the members' statements, how it would be done. There had been a couple of suggestions, which will be in the transcript: prorated, based on members in the House and so on. That's a touchy area, because that will fluctuate with each election.

Well, the hour has come, ladies and gentlemen. I thought we showed some remarkable progress in that we talked about the gist of what the day's business in the House consists of. Kurt, I appreciate and endorse Bob Hawkesworth's comments to your suggestions.

Now, we had planned a meeting tomorrow at 10 a.m. for the day. We would have a working lunch, if that's acceptable to people. If we don't have enough here, we won't work during lunch, but it could well be our last day prior to the House sitting. The suggestion was made earlier by Bonnie and I think others that Tuesday mornings during the House we could do some work, and I think that's an excellent idea.

Could we have a motion to adjourn?

MR. FOX: Sure.

MR. CHAIRMAN: So moved. Carried.

[The committee adjourned at 3:04 p.m.]

