

10:10 a.m.

Wednesday, April 14, 1993

[Chairman: Mr. Gogo]

MR. CHAIRMAN: We'll call the meeting to order. The agenda item will be to pursue or continue our discussion on Standing Orders from yesterday, if that's in order.

I don't know in terms of the two ministers. They're attending the young presidents' organizational meeting with the Premier at Government House. I don't know whether that had been planned or was a surprise.

I had a call at 8 this morning from Kurt Gesell, who's preoccupied with what would be deemed an urgent matter out in his riding. We had notice that Mr. Hawkesworth couldn't be here, and Bettie Hewes' caucus day hours have been changed. Dr. Elliott will be here this afternoon?

MRS. KAMUCHIK: Yes.

MR. CHAIRMAN: I think we should continue our discussion following yesterday on the rewrite of the Standing Orders, if that's in order. We've now had a document provided, *Hansard* from 1983, which dealt with the temporary amendment to Standing Orders. I'd just draw your attention to the fact that it wasn't called a temporary amendment. It was called an amendment to Standing Orders for the 20th Legislature; i.e., it expired at the end of that Legislature. Perhaps members want to read through it in conjunction with Standing Order 8 in the Standing Orders, or even better would be the one supplied by Dr. McNeil where they don't recommend any revisions. In view of what we discussed yesterday, it should be reviewed.

MR. FOX: Could I suggest, Mr. Chairman, that perhaps we take a five-minute break so there's not just silence on the tape while we try to read and absorb what's here?

MR. CHAIRMAN: Okay; good suggestion. *Hansard* can note that.

[The committee adjourned from 10:12 a.m. to 10:20 a.m.]

MR. CHAIRMAN: We'll call the committee to order. Were there temporary standing orders other than in '83-84?

MRS. KAMUCHIK: There was one regarding the language issue in '87.

MR. FOX: Prior to '86, prior to my time here, were there other temporary standing orders?

MRS. KAMUCHIK: I'd have to check the *Journals* for any number of years. Do you want me to do that?

MR. FOX: Well, I think it would be useful. I've heard other people refer to temporary standing orders as something that was in place for some period of time, and it was useful.

Looking at the one before us here, moved by Mr. Crawford in 1983, Mr. Chairman, it seems to me that the main purpose of this was to make accommodation for the relatively small opposition in the Legislature at the time: four members of the opposition, representing two parties, and 75 members of the government caucus. In a scenario like that, the opposition theoretically, even with their motions on the Order Paper, could go an entire session without being able to debate even one of them. So the notion of

having an amendment to Standing Orders allowing the Leader of the Official Opposition to designate a motion from among those submitted by opposition caucuses and, as well, an amendment preventing government members from putting more than one motion on the Order Paper was probably very useful at the time. I'm not sure they'd be useful at this point in that form. The idea of allowing the Leader of the Official Opposition to designate a motion for debate from among those standing on the Order Paper might be useful just in itself but not in the form we've got here.

This brings to your attention the trade-off here for allowing the Leader of the Official Opposition to designate debate on a motion for no longer than one hour on a Thursday. In fact, it might not even be 10 minutes if the government calls Motions for Returns or some other item precludes that. At any rate, no more than one hour total debate on the motion.

MR. CHAIRMAN: Because there are private members' public Bills at 4:30.

MR. FOX: That's right. So that was on a Thursday. The trade-off for that was to allow the insertion of something called government designated business on Tuesday afternoon for up to an hour of debate. I don't think private members in either government or opposition caucuses would consider that any sort of reasonable trade-off. There's ample time in the agenda for government business. Our purpose here is to try and find ways of allowing individual MLAs greater access to the agenda on behalf of the people they represent, and I don't see this temporary standing order as accomplishing that.

MR. CHAIRMAN: Well, looking at *Hansard* of '83, government business was still Monday, Wednesday, and Friday, and Monday, Tuesday, and Thursday evenings if called. What this did was that in addition to that, as you pointed out, as long as notice was given on Friday, an hour of the Tuesday was co-opted for government business. The trade-off, as you point out, was allowing the Leader of the Opposition to designate from, I assume, any motions on the Order Paper other than under (3)(b).

MR. FOX: Other than motions that are on the Order Paper in the name of government members.

MR. CHAIRMAN: That's an unusual term, to begin with, "government members." I guess the literal interpretation is that any member who is a member of the governing party is a government member, which is a little bit at odds with the terminology we use now, "private member." I guess we use "private government members" too on occasion; do we? I hear that term being used. In the very narrow sense you have the government, which is Executive Council and members. That's the narrow sense of the composition of the House.

The only reason I asked Louise to dig this out was that my recollection was back to when we amended it. I recalled the designation by the Leader of the Official Opposition for Thursday of any item on the Order Paper presumably under his party's resolutions. Frankly, I couldn't remember that on Tuesday there was an hour of government business. I didn't remember that.

MR. FOX: I expect what that accomplished for the government in terms of expediting an agenda: if it happened to be a private government member's motion that was up for consideration that day, it could be bumped by the Executive Council's agenda so we could get on with the business of the House and not waste time. I don't think that's the kind of format we'd want to establish now.

We'd want access to the agenda for individual members to speak out on behalf of the people they represent, which is why we look at these things under members' statements.

MRS. B. LAING: I would concur with what Derek's saying. Times have changed, and I really feel, as he does, that it was to address the problem of having such a small number of opposition members. This would mean that private members' Bills would probably never see the light of day in a lot of cases.

MR. FOX: Motions.

MRS. B. LAING: Yeah, motions. Sorry. There are a lot of times when time becomes very constricted. You often wait several days for yours to come up even when it's the next one on the Order Paper. So I think it would make that particular access very, very restricted, even more so than now.

MR. CHAIRMAN: Yeah. Strange things happen around here when the sun shines and there's some growth outside on the lawns: people, particularly the rural members, get that urge to get the crops in. I can recall every year in my 18 years standing on the balcony out here and people saying, "When are we going to adjourn?" with a sense of urgency. Then would come discussions between House leaders about dealing with government business on private members' days. You're right; if the government has that option, you can be sure the loser in the exercise will be that private member. No question.

Louise, you've got to look up when we amended the Standing Orders for estimates. I cannot remember. I thought it was at the time when we inserted that the number of days for estimates shall be 25. The Alberta heritage savings trust fund: I think 12 days had always been there; I don't think that was altered. But there was an amendment to Standing Orders, not a temporary amendment.

MRS. KAMUCHIK: I know there was the white paper, and the Standing Orders were amended quite a bit in '83 by the privileges and elections committee. But I'll check and see.

MR. CHAIRMAN: Well, we've got to look at that. The assumption was, if I can remember part of the debate, that estimates went an average of, I think, 17 days. That's all they went. So they thought that by increasing them by 50 percent to 25 it wouldn't be a problem. But they didn't go more than 17. Mind you, they went half the night. I remember that vividly. I especially remember the night I sat in the House all night.

MRS. KAMUCHIK: Roughly what year was that?

MR. CHAIRMAN: I don't know, but there was a front page picture on the *Edmonton Journal* that somebody autographed and sent to me. I had difficulty keeping my eyes open. Mr. Zaozimy was my seatmate. He got called in Calgary at, I think, 5:30 in the morning and arrived at 7:30 in the morning. The House leader, Mr. Crawford, arrived at about 8:00. The House leader had been David King. Mr. Crawford was somewhat surprised. He wasn't there 20 minutes and he adjourned the House. Naturally people who sat there all night were upset and said, "Why, if we sat all night?" Presumably the House leader was on this business of wearing people out. I mean, it was a bit of a farce.

MR. FOX: Can we look at Kurt's suggestion again and then come up with some agreed-to format we would recommend to our individual caucuses?

10:30

MR. CHAIRMAN: There were two outstanding items to consider; weren't there? One was the system of members' statements if we're going to have members' statements in there. Did we not discuss that we would have to define what a day is in terms of estimates? Were they the two outstanding issues? That's the note I have.

MRS. B. LAING: Yes.

MR. CHAIRMAN: At some point we've got to discuss length of speeches, or speaking time limits maybe, although that's in a separate section.

MRS. B. LAING: Yeah, a system for members' statements and definition of a day were the two.

MR. CHAIRMAN: I thought they were the two.

MR. FOX: Do we agree that the introduction of visitors and guests should occur at the same time so as to not occupy two separate places on the agenda?

MR. CHAIRMAN: I think there's general agreement on that.

MR. FOX: Okay. Would we call them all "guests" or "visitors" or "visitors and guests"?

MR. CHAIRMAN: I think "visitors and guests" if we look at the recommendation of the Speaker's office, because almost by definition a visitor to the House is someone from outside and a guest is someone from within the legislative authority of the Assembly. I mean, that's been generally school children, volunteer groups, and so on. I don't think we should have introduction of the word "special" in either case. I think "visitors and guests" would be appropriate.

MRS. B. LAING: I agree with you that "special" should be . . .

MR. FOX: Then oral notices of motion, presenting . . . Everything as written there is agreed to? I think we had agreement on those items.

MR. CHAIRMAN: Yeah.

MR. FOX: What do we want to recommend on members' statements then?

MR. CHAIRMAN: Well, the key is that we discussed yesterday having a maximum - recalling Bob Hawkesworth's comment, if you had three members daily and it was two minutes each . . . Well, let's talk about the time period first before the number.

Originally I'd heard three minutes, but two minutes seems reasonable. At the same time, a suggestion made last year was that we take 10 minutes for members' statements, so theoretically you could get five members at two minutes each.

MR. FOX: But that was once a week.

MR. CHAIRMAN: That was weekly, on a Friday morning, as I recall.

MRS. B. LAING: There's always a little bit of time, those few seconds, when people are getting to their feet and sitting down. That takes a bit of time.

MR. CHAIRMAN: Would two minutes . . .

MRS. B. LAING: That's six. That would give you four minutes for movement and that type of thing.

MR. CHAIRMAN: But two minutes in terms of the time period.

MRS. B. LAING: Uh huh. I think that's fair.

MR. FOX: Two minutes per member and up to three members per day: that seems like a more than reasonable limit. Within a four-week period, then, theoretically every member who's neither a member of Executive Council nor a leader of a party would have a chance to . . .

MR. CHAIRMAN: So that's 15 members a week if it's a full week?

MRS. B. LAING: Possible.

MR. FOX: Or maybe members' statements should be available for any member. Presumably a minister may need to raise something that is extraneous to his or her portfolio responsibility or departmental responsibility. You as the minister of advanced education, for example, may have a burning issue in Lethbridge-West that you want to bring to the floor of the Assembly. You can't do that in the context of answering a question I might ask you about advanced education during a department budget. So maybe all members of the Assembly should have access to that.

MR. CHAIRMAN: That's an interesting concept, because ministers cannot put questions during estimates. If you look at the Speaker, who's completely neutered as an MLA within the House, although the requirement to be Speaker is that you must be an MLA, the Speaker has no opportunity. The next step would be that a minister does not have an opportunity except in given instances. So the greatest freedom is to the private member. I hadn't thought of whether other jurisdictions . . . The only one I'm familiar with is British Columbia, and I don't know whether a member of Executive Council could make a member's statement.

MR. FOX: I don't know.

MRS. KAMUCHIK: Let me check. You wanted to know about B.C.?

MR. FOX: Which tab is that under, Louise?

MRS. KAMUCHIK: G.

MR. FOX: Under G, something on . . .

MRS. KAMUCHIK: Members' statements, British Columbia. It says that on "Friday at 10:00 a.m. . . a Private Member may make a statement."

MR. CHAIRMAN: Yeah. I knew the day and the time.

MRS. KAMUCHIK: But they have an hour.

MR. CHAIRMAN: Their question period is very short though.

MRS. KAMUCHIK: Right. They have 15 minutes per statement and also allow a reply. So the private member can speak for seven minutes and any other member may comment for up to three minutes. Then their reply is a maximum of three minutes.

MR. CHAIRMAN: But that's at a price tag of the question period?

MRS. KAMUCHIK: Uh huh. Ontario also has private members as well.

MR. FOX: Ontario is quite specific. It says:

A Member, other than a Leader of a recognized Party in the House or a minister of the Crown, may be recognized to make a statement for not more than one and one-half minutes.

Up to 3 Members from each of the . . . Parties in the House may make a statement during the period for "Members' Statements".
New Brunswick?

MRS. KAMUCHIK: Also, a minister is precluded from making statements.

MR. CHAIRMAN: So in Ontario you would have nine members. I don't know what defines a "recognized Party" in Ontario. Do you read nine members during that period in Ontario?

MR. FOX: Uh huh.

MR. CHAIRMAN: A recognized party in some jurisdictions is more than four members elected. I don't know what our definition of a recognized party is.

MRS. KAMUCHIK: I remember back in 1983 when there were four members of the opposition. There were two from the NDs and two Liberals and . . .

MR. CHAIRMAN: Two Social Credit.

MRS. KAMUCHIK: No, they were Independents, Mr. Speaker and Dr. Buck. Then Mr. Amerongen had to decide who was the Official Opposition party, and that was appealed. There was the discussion about office space, office allocation, and what have you. When you're looking at two from each of these two parties - Mr. Notley's party, the ND party, was designated as the Official Opposition. That caused a problem with office space allocation, so it was referred to the committee on privileges and elections.

MR. CHAIRMAN: And the decision came down in favour of Mr. Notley.

MR. FOX: As it should have, of course, because we were the party to finish second in the election. There was no other party running.

MR. CHAIRMAN: I think the rationale was the number of people voting or . . .

MR. FOX: Well, the other party, the Representative Party, was formed as a matter of convenience after the election so the two

Independent members could argue for Official Opposition status. I remember it well.

MR. CHAIRMAN: You remember it well?

MR. FOX: I do.

MRS. KAMUCHIK: You were here?

MR. CHAIRMAN: He wasn't here.

MRS. KAMUCHIK: Sitting in the galleries?

MR. FOX: I was a keen observer.

MR. CHAIRMAN: I don't know if you were ever in the House visiting then.

MRS. KAMUCHIK: No.

MR. CHAIRMAN: No, I mean visiting. I don't recall you visiting the House. I wouldn't forget a gentleman like you.

MRS. KAMUCHIK: He was throwing roses at you. You don't remember?

MR. CHAIRMAN: Well, if they were roses, it wasn't him.

MR. FOX: I do remember that party, if I may go on the record. The Representative Party that was fighting to be recognized as Official Opposition didn't even run a candidate in the Spirit River-Fairview by-election.

Anyway, it seems to me none of the models used by other jurisdictions are quite what we're looking for here: you know, the B.C. thing, where there's seven minutes for the statement and then someone can rebut. What we should recommend is that we have a members' statement period as part of Routine Orders, as recommended by Kurt here, that it be every day, that it not take time from question period, or if it did, no more than five minutes from question period – but probably it shouldn't take away from question period at all – and that it be two minutes a day. We'd have two minutes for each member, so we'd have three per day for six minutes. Standing up and waiting to be recognized by the Speaker might take another 30 seconds in total. So I don't think we're imposing on the Assembly's time through this recommendation. As Bob Hawkesworth pointed out, it would likely reduce in a significant way the number of requests that come forward from members for Standing Order 40 recognition. I think this would be a good way for us to frame it. If we wanted to go – you know, five per day is a lot in real terms if you think of that over the long haul.

10:40

MR. CHAIRMAN: So three per day essentially is one per party.

MR. FOX: Well, yeah. I don't think one per party is fair. I think it should be . . .

MR. CHAIRMAN: So you think it should be proportional. You spoke to that yesterday, Bonnie.

MRS. B. LAING: Prorated, I believe, yes.

MR. FOX: Prorated, allocated to caucuses, but caucuses in terms of representation in the House. It would be understood that all

members have access to that time period so that certain members, as you point out, who may be at odds with their House leader or Whip or whatever wouldn't be denied the opportunity.

MR. CHAIRMAN: Yeah. That, I think, is quite important.

MR. FOX: Yeah. Maybe it would be up to caucuses to submit to the Speaker a list of the order in which their members will be making statements, and the Speaker would take those three lists and combine them in a way that accomplishes the prorated formula. It wouldn't be fair to have all three parties equal in that sense, because some parties have more members than others.

MR. CHAIRMAN: Would we go so far as to require notice on votes?

MR. FOX: I don't think so. In my opinion, it's just part of the Routine like Oral Question Period. Members' statements, Ministerial Statements: there's no requirement of notice if it's your turn.

MRS. KAMUCHIK: What about advising the Speaker's office that day . . .

MR. CHAIRMAN: That's what happens.

MRS. KAMUCHIK: . . . so he's aware and, you know, watching out?

MR. CHAIRMAN: That's what I'm getting at.

MR. FOX: Well, if the Speaker established a schedule.

MRS. KAMUCHIK: I sat in the Clerk's chair for that one time, and I can't believe all the hands that go up. It's just a sea of activity.

MR. CHAIRMAN: No, it's difficult for the Speaker to . . .

MRS. KAMUCHIK: It's quite easy to miss someone, so if he's at least anticipating that . . .

MR. FOX: But what if the Speaker established an order so that on Monday you would know and all the caucuses would know? I suppose the order the Speaker determines could be printed.

MRS. KAMUCHIK: Maybe for the week.

MR. FOX: On a particular day it might be two PC members and one ND, the next day it would be an ND, a Liberal, and a PC, and then the next day a Liberal and two PCs or whatever. That shouldn't be difficult to do. It's just up to us to establish the principles here.

MR. CHAIRMAN: Yeah, but we must think it through too. I know the Speaker is fully occupied in attempting it, because the Speaker goes through a variety of things. Let's say 15 or 20 hands go up; the Speaker then does his best to get those names down and then refers to previous days: did that member have an opportunity for the question and so on. It's not simply the first hands that are up. I mean, in doing justice to the members, if the member had asked a question the previous day and wants to ask a question today, I think the judgment of the Speaker then would be that it will be the next person and so on. The Speaker is fully

occupied in that Chair initially. I mean, it's a very demanding time.

MRS. KAMUCHIK: And how would he know if they're raising their hands for question period or members' statements?

MR. CHAIRMAN: Well, you see, when the Clerk calls members' statements, I don't think it's fair to the Chair to then have to decide amongst 15 or 20 hands.

MR. FOX: No. But why not have those time periods allocated on a strict pro rata basis? It's members' statements and someone from the PC caucus has to stand up and be recognized and they'll give their statement; then whoever's turn it is from the ND caucus.

MRS. B. LAING: I don't see why the list couldn't be determined for the week in advance and given to the Speaker maybe on the Friday or the Monday morning.

MR. FOX: Yeah.

MR. CHAIRMAN: You see, we require a lot of things by notice now. I'm not saying that it should be printed necessarily.

MRS. B. LAING: No, just that he has a list.

MR. CHAIRMAN: In fairness to the Speaker, I think the Speaker has to be notified. Now, I don't know how you deal - you raised this yesterday - if over the weekend something develops which is very urgent. I think it was you, Derek, or Bob who said, well, if that's the case, then within your caucus say, "Can I trade with you because this is urgent?"

MRS. B. LAING: Yeah, and then the Speaker would get notice right away.

MR. FOX: Designating members too far in advance is just problematic because it would lead to all sorts of confusing changes. I just think the time slots should be allocated on a pro rata basis, and that would be published so that people know which caucuses are making members' statements that day. I mean, that could be published a week in advance; no problem. Then it would be up to people in the individual caucuses. No caucus is so disorganized that you'd have five people standing up begging for the Speaker to recognize them for that one members' statement opportunity. They'd have to co-ordinate that and ensure within the caucuses that all of their members have access to that vehicle over time. You know, we could write that in: that in the assignment of access to members' statements, all caucuses shall provide opportunity for every member of their caucus to participate.

MR. CHAIRMAN: Well, is that enough of a safeguard for the individual member?

MRS. B. LAING: I think it would be, because you could co-ordinate it through your Whip. You know, they would ensure that. That's their job too: to ensure that each member gets a chance to participate equally. I don't see a problem with doing the names up maybe a week in advance. There again if the emergency arose, you could do as Derek said: just switch with the person on that day and just send a quick note to the Speaker.

MR. CHAIRMAN: Well, for the sake of argument, let's say it were three, two, one, proportionate, and there's a maximum of

three in a day. So over a period of a week you would work out the number from the Conservatives, from the NDs, from the Liberals. If it's three, two, one - I'm trying to get my mind around - on a Monday, you know, we'd have two Conservatives and one ND; on Tuesday, one Conservative, one ND, one Liberal; and so on. It seems to me it becomes extremely complex, and someone has got to sort that out for the benefit of the Chair. Now, someone might make the counterargument, "Well, question period is now run on a formula, and there's no problem." Someone might make that argument.

I think that whatever we put in place we have to achieve really two things. One is the opportunity for the individual member to make that statement, and the other is for the Chair to accommodate. I don't think we should make it difficult for the Chair. Now, we don't have a view from the Chair, you know. In Alberta it's not done, so there's no comment. So maybe we should be asking the Chair for their view.

MRS. KAMUCHIK: I was going to say that one other problem that might arise out of that is that if you have an assignment of two PC members and one ND one day, what happens if there aren't two? Just in case there are not two members from the PC caucus that want to make a member's statement, who do you assign that slot to, or do you?

MRS. B. LAING: I would say let it go.

MR. FOX: Just let it go.

MRS. B. LAING: They've missed their chance.

MR. FOX: Up to three per day. I mean, I just don't think it's right to have an even sort of formula, and though we do have a bit of a system worked out for question period that has two NDs, one Liberal, one PC, and then through the caucuses with an occasional two members of the ND caucus being recognized - well, almost daily - and sometimes with the Liberals, that seems to have worked out in practice. Before the by-elections there were days in question period when everybody who was sitting in the Liberal caucus got a question because one or two might be away and they all got to ask a question. That might be fine for them, but it's frustrating for me as Whip in the ND caucus when I've got 15 members other than the leader who want access to question period. They might get one chance a week, whereas their counterpart in the third place party might get five questions a week.

10:50

MR. CHAIRMAN: Can you imagine how Bonnie feels, though, being a member of the government caucus?

MRS. B. LAING: Twice a session maybe.

MR. CHAIRMAN: I mean, it's the same.

MR. FOX: Well, I know. You've not heard arguments as frequently from the ND caucus about government members asking questions in question period as you have from the Liberals, but in many Legislatures government members don't ask questions either. I mean, there's a balance there.

MRS. B. LAING: That's right.

MR. FOX: It just seems to me that we'd just publish a schedule. It wouldn't be as hard to work out a rotating formula that recog-

nizes the number of people in a caucus, and it's up to people to fill that. I just don't see how that would be confusing or difficult to organize.

MR. CHAIRMAN: Well, I guess we shouldn't get into the detail other than we should deal in principle: (a) there will be members' statements, (b) there will be three members at two minutes, and (c) it would be proportional to the representation by political party in the House. What wording would we use there?

MR. FOX: Members' statements: opportunities would be allocated to parties in the House according to their representation.

MR. CHAIRMAN: Yeah, I find that better than the words "allocation to caucus," for example.

MRS. B. LAING: Uh huh.

MR. FOX: Now, what was I going to . . .

MR. CHAIRMAN: If I could just interrupt, let's take a specific example of the Kilgour/Kindy situation prior to those people leaving the caucus. If they were at odds within their caucus, was there ever any guarantee they would have an opportunity in the House if it was up to their caucuses? That's the part that concerns me, and that's why I'm so high on this business of ensuring that the individual member has an equal opportunity.

MR. FOX: Well, if they were someone like Deborah Grey who sits as the lone member of the Reform Party caucus in the House of Commons, I would assume that under our system there would be one opportunity allocated for members' statements for the Reform Party out of the 300 and however many people they have there. Kindy and Kilgour . . . Is he a Liberal now?

MR. CHAIRMAN: Yeah.

MR. FOX: I haven't checked the papers lately.
 . . . as independent members would have that opportunity too: no opportunity greater than their numbers warrant but in terms of being treated fairly within a caucus. I would think that you wouldn't know if that was happening until a sufficient number of members' statements opportunities had passed, because in our caucus, for example, 15 of us, you wouldn't know if someone was being denied an opportunity or someone wouldn't be able to say that until there'd been 15 opportunities. I mean, there's a potential difficulty there that might have to be resolved.

MR. CHAIRMAN: Well, there's some detail there that other people will have to unravel. As long as we agree in principle. The final point is: are Mr. Martin and Mr. Decore private members, or would they automatically be excluded?

MR. FOX: Well, I would think that if we use – and I said this yesterday – the definition that's written out in this other jurisdiction's description, Ontario, "a Member, other than a Leader of a recognized Party in the House or a minister of the Crown," that puts all those people in the same category. We either do it that way or not at all, and it would seem to me that in fairness an MLA is an MLA is an MLA. Whether you're the leader of a party, a House leader, or a minister of the Crown, having access to members' statements would be an important right of a member on behalf of the people you represent. I think we should leave it wide open. It's likely in the course of caucus deliberations – I

know in our caucus, for example, Ray would want everyone else to have opportunities through members' statements before he would think of doing it himself. With Mr. Decore as well and ministers of the Crown there are lots of opportunities for them to get up and speak and draw attention to the things that they think are important, but there are times when ministers of the Crown or leaders of parties would be denied some legitimate opportunities.

MR. CHAIRMAN: So that is just looking at Ontario and British Columbia. British Columbia I think led the way with members' statements; my recollection is that they were the first. So our suggestion would be different than both British Columbia and Ontario. British Columbia says "a Private Member," which excludes Executive Council. Ontario says not only excluding Executive Council but "a Leader of a recognized Party." So what you're saying is that every member elected to the Assembly should have that opportunity.

MR. FOX: I would think so, in fairness. It would be different if I as a minister, when I'm minister of agriculture, get up and make a ministerial statement. That allows you as the Leader of the Official Opposition to respond to that. But if I'm getting up to make a member's statement, that's just my statement, the same as Bonnie's or yours or whatever.

MR. CHAIRMAN: What would the reaction be, then, if Mr. Isley arose in his place and made a member's statement which was just on agricultural policy? Does the Chair rule him out of order? How do you deal with something like that?

MRS. B. LAING: Yeah, I have a little concern with that.

MR. FOX: Mr. Isley as minister, you mean.

MR. CHAIRMAN: Well, he rises in his place for a member's statement. He happens to be the minister of agriculture, and he knows that if he makes a ministerial statement, the Leader of the Opposition responds. So he goes on the list and says, "I want to make a member's statement." He then rises and makes, for want of a better term, a partisan statement not about Bonnyville. How does the Chair deal with that? You're going to get points of order. That worries me frankly.

MR. FOX: That's right.

MRS. B. LAING: I have a concern with the ministers and leaders doing that as well. I mean, there is the opportunity for them to ask a member to speak for them; like, you can speak on behalf of the MLA for Vegreville. That's one of the ways it has been handled in the past. If there was a particular constituency concern, I believe they could certainly ask one of the members to express their concerns on behalf of them. I feel it could become a partisan statement if you've got the leader of the party or a minister up there. I think it has a chance to be abused a little. I don't see why they couldn't ask another member to represent them and do a member's statement for them.

MR. FOX: I see your point. I guess the leaders of the opposition parties can have wide-ranging opportunity during question period to ask questions either policy related or constituency related.

Okay; I see your point. It's either all or none. So we categorize leaders of parties in the House and ministers of the Crown and members of Executive Council at the same level and make it clear.

MRS. B. LAING: I think it would keep it clean that way and prevent things.

MR. CHAIRMAN: Bob Elliott would be, I know, quite strong on this issue. If you recall some of the comments he's made in the past as the Member for Grande Prairie, he's really not had an opportunity, and he gave a list of reasons. I think this would be as far as we could go to assure that he would have that opportunity.

So it would be like the Ontario model. It would be my view that we would exclude members of Executive Council and leaders of recognized political parties because they would have, I think, other opportunities.

MR. FOX: Okay; I can go along with that. I hope that we're not contemplating setting any limits other than those that normally apply to debate in the House on what members raise during members' statements.

11:00

MR. CHAIRMAN: Well, I raised that the other day, if you recall. You know, how do you define? If you're going to restrict a member to his or her constituency, surely a member has responsibilities beyond their constituency as a member of the Assembly. Certainly in a statement I think they should be able to state whatever they want within the province of Alberta. I mean, I don't think we could be so narrow as to restrict it to a constituency.

MR. FOX: So we're in agreement on that.

MR. CHAIRMAN: Well, let's find out.

MR. FOX: Just the normal rules of debate would apply, because when I stand up on a member's statement I could be talking about a hospital project in my constituency or maybe about a particularly distressing situation in a region of the province that I think has been neglected or something. I just think the normal rules of debate and decorum shall apply; no restriction. You know, you don't even have to say. Making accusations about another member: I mean, you're not allowed to do that anyway in our normal rules of debate, so I think we should be wide open in terms of what's permissible in terms of subjects for members' statements.

MRS. B. LAING: If we look at British Columbia, it has four things as guides:

- (a) shall be confined to one matter;
- (b) shall not revive discussion on a matter which has been discussed in the same session;
- (c) shall not anticipate a matter which has been previously appointed for consideration by the House, in respect to which a Notice of Motion has been previously given and not withdrawn;
- (d) shall not raise a question of privilege.

I think those are quite good guidelines. In two minutes you're not going to raise 10 items anyway.

MR. FOX: Yeah. I don't think it's necessary. What we're dealing with here in B.C. is a 15-minute period: seven minutes for the proponent, three minutes for other members, and then a rebuttal. There needs to be some rules for that, but we're just dealing with a member's statement. I don't think we need to limit that at all, and in terms of raising a question of privilege, you couldn't do that. Our rules wouldn't permit you to stand up and raise a question of privilege anyway; you have to give notice of

your intentions. So I don't think we'd need anything other than just the normal rules of the Assembly to apply. I mean, if you want to talk about three different pothole-filled streets and a hospital and a community hall – if you can cram that into two minutes, credit to you I would think.

MR. CHAIRMAN: So under the rules of debate, it's pretty clear that the Chair would call you to order if you breach those. For example, if a member stood up and if the member's statement consisted of five distinct questions – what is the government going to do about this, this, this, and this? – what's wrong with that as a statement? Is there something wrong with that as a statement?

MR. FOX: No, I don't think so. I mean, questions can be rhetorical.

MR. CHAIRMAN: Yeah. I don't think we should attempt to try and define what the member . . . The other thing is that we've got to put it into practice; we've got to try it. Again, the objective, I think, is to give the member an opportunity to bring to the attention of the Assembly those issues which that member feels are important. Whether it's the Lubicon in the north, the Oldman dam in the south, or whatever, I don't think that is for us to decide.

MR. FOX: You know what we could do? I'm just thinking here. We structure it so that there are up to three per day and that caucuses shall be assigned, you know, a number of opportunities based on their membership in the House. For the sake of argument, let's just say that currently that would be eight PCs, four New Democrats, and two Liberals. It may have to be adjusted over time to be more accurate numerically, but let's say that they are allocated one per day for each caucus. On a Monday it's Official Opposition, third party, government party. On each day that's the order until you've used up your allocation for the week.

MR. CHAIRMAN: So theoretically, on Monday, Tuesday, and Wednesday there would be one from each party?

MR. FOX: It could be; yeah.

MR. CHAIRMAN: Well, possible.

MR. FOX: Yeah.

MR. CHAIRMAN: And then the Thursday, Friday: simply one party, depending on that proportion; right?

MR. FOX: Yeah. Well, that might not work either.

MRS. B. LAING: You might have something really important come up through the week. If you were, say, the Liberal member, maybe Friday is the day you'd really want to have your turn, if it was something that happened Wednesday or Thursday.

MR. FOX: Okay; I think that's a detail that can be worked out over time. We seem to be in agreement on all the other principles.

MR. CHAIRMAN: So we've agreed with the order of business. Did we agree substantially with regard to the hours?

MR. FOX: I think we had agreement on that.

MR. CHAIRMAN: I thought that was a good discussion. As I recall, the individual member was assured a greater time, yet

overall the government in terms of government business, according to Kurt's calculations, did not significantly lose.

MR. FOX: Gained in fact.

MR. CHAIRMAN: I think the difference over the week was a total half hour; wasn't it?

MRS. B. LAING: Yes.

MR. FOX: That in practice the government would gain time on the agenda.

MR. CHAIRMAN: I don't recall that comment.

MR. FOX: Yeah. I think he figured that with night sessions added, on average it was something less than 12 hours, 11 point something hours of government business. The purpose of his calculations with regard to night sittings: the length of time over the long haul.

MR. CHAIRMAN: Well, let's have a five-minute break.

[The committee adjourned from 11:07 a.m. to 11:15 a.m.]

MR. CHAIRMAN: Okay. We've dealt with the Gesell proposal.

MR. FOX: John, I think there are still a couple of things that we need to work out with the hours part of it. If I could speak to that.

MR. CHAIRMAN: Okay. I think we should bear in mind that Dr. Elliott's going to be here and may have some views, so we're not going to come to, in effect, decisions but recommendations anyway.

MR. FOX: Uh huh.

I think we agreed, as you mentioned, that we would recommend session 1:30 to 6:30 Monday through Thursday and 10 to 1 on Friday with no evening sessions, I would presume, unless by unanimous consent of the House to do otherwise or extend the sitting time beyond 6:30 on any given day.

Looking at how time is allocated on a Tuesday and Thursday, it seems to me that we might solve some problems if we changed the one and a half hours that Kurt has recommended for MLA motions and the one and a half hours for MLA proposed laws to two hours for motions and one hour for proposed laws. I'll just tell you why I'm thinking that way. We're doing this on Tuesday and Thursday. It's clear that we're increasing the amount of time in the weekly agenda for private members' business by two hours, and as Bob pointed out, the two hours is accommodated by tripling the amount of time that's available for debate on private members' Bills: MLA proposed laws, in Kurt's parlance here. I don't think we need to do that if we allow one hour on each day for Bills. That doubles the amount.

MR. CHAIRMAN: That's a hundred percent increase.

MR. FOX: It's a hundred percent increase but allows that extra hour for motions, which includes Motions for Returns. As you pointed out, it's possible for almost the whole time allocated to debate of motions to be consumed by motions for returns. That's an important part of the agenda but not something that we want to always preclude, debate on motions. So if we had two hours for

MLA motions on a Tuesday and a Thursday and one hour for Bills, that would allow enough extra time in the agenda that I think it would work out, and then one hour of government business, probably, I would assume, the final hour of the day.

Now, in terms of Bob's suggestion about designation related to but not like the first standing order from March 14, 1983, it may be worthy of merit to allow the Leader of the Official Opposition to designate the motion for debate on one of those days.

MRS. B. LAING: I thought we had earlier decided not to do that; hadn't we?

MR. FOX: Well, we didn't like this motion. Bob didn't recommend that we have this particular system in place. I'm just thinking out loud about it. You know, maybe that's something that could be dealt with depending on the size of the opposition. As currently constituted, there are lots of opposition motions that come up for debate: a reasonable number, a reasonable balance. Maybe there's no particular need for that either.

So we could just leave it as it is but change the time so it's two hours for MLA motions and one hour for MLA proposed laws, with the understanding that we have provision in our Standing Orders that if a motion or a Bill comes forward or is called for debate with less than 20 minutes remaining in the time period, it stands and retains its place on the Order Paper for debate on a subsequent private members' day.

MR. CHAIRMAN: That would be consistent with what's there now.

MR. FOX: Yeah. I think we should include that because we don't want . . .

MR. CHAIRMAN: At 4:10 and 5:10.

MR. FOX: Yeah. Well, we'd have to calculate that.

MR. CHAIRMAN: Consistent with what it is now.

MR. FOX: Yeah; I would think: stand and retain its place unless it's been resolved through a vote in the Assembly.

MR. CHAIRMAN: Are there pros and cons to having the hour of government business first as opposed to the last item of the day?

MRS. KAMUCHIK: The con would be that it might get eaten up by Motions for Returns.

MR. FOX: But Motions for Returns couldn't be called until that period of time that's allocated for that.

MRS. KAMUCHIK: Okay. Government business first and then Written Questions and Motions for Returns.

MR. FOX: Yeah. I guess if I was on the government side, I might be concerned that that time could be taken up with points of order, but the same argument could be made the other way, that government members may try and preclude debate on an opposition member's motion. I mean, there may be times that both sides of the House would engage in that but not often.

Do you see some advantage one way or the other?

MR. CHAIRMAN: Well, I guess I'm thinking of scheduling and so on if you have government business for that hour immediately following question period.

MR. FOX: In terms of cabinet ministers.

MR. CHAIRMAN: Yeah. I'm just thinking of their schedules.

MRS. B. LAING: I think it would be more convenient for the members of the House.

MR. FOX: Yeah.

MR. CHAIRMAN: Then the balance of the day for the private members' business.

Certainly based on my experience, if as a minister you set appointments, you want some degree of certainty of attending those. Now, traditionally it's been following the question period. Here we would extend the question period by an hour, because that's the government business time, for certain ministers if that is your legislation or your business, rather than from 5:30 to 6:30. It'll allow more flexibility.

MR. FOX: Yeah, I see your point.

MR. CHAIRMAN: I think that would be easier to sell than the other way.

MR. FOX: So just to get this on the record, and correct me if I'm wrong, then we would have Routine Orders from 1:30 to 2:30 every day; government business from 2:30 to 6:30 on Monday, Wednesday; Routine Orders from 10 to 11 on a Friday; and government business from 11 to 1 on a Friday. On Tuesdays and Thursdays that period of time between 2:30 and 3:30 would be government business, and debate would be adjourned on government business and Motions Other than Government Motions called from 3:30 to 4:30, with debate adjourned and private members' Bills coming forward for debate from 5:30 to 6:30 on a Tuesday and Thursday. We would put provisions in there such that any motion that's called after 5:10 on a Tuesday or Thursday would stand and retain its place for debate on the following private members' day. If a Bill is called after 6:10 on a Tuesday or Thursday, that Bill shall stand and retain its place on the Order Paper.

MR. CHAIRMAN: I think that's very positive.

MR. FOX: Yeah, I think that's a good proposal.

John, just in terms of process here, do you think it would be important for all members of the committee to get endorsement for these proposals from their caucuses prior to us making them as recommendations?

MR. CHAIRMAN: I think that would be very practicable. Then we would have a reasonable indication as to the outcome of our recommendations. That would be my proposal to our caucus.

MR. FOX: The committee has latitude to make recommendations. We make recommendations, and they either succeed or fail depending on the will of the House. If we require sort of prior endorsement for them before making them, that may limit in some way the scope of the recommendations that the committee members make.

11:25

MR. CHAIRMAN: We haven't discussed this in the past, but we've referred so often to the so-called imminent election and the 23rd Legislature. I mean, there's been reference constantly.

Would you perceive us making these recommendations being applicable in the 23rd Legislature? We haven't really talked about it. Bettie Hewes would obviously like to see changes now and so on. We haven't really talked about this.

MR. FOX: Well, it depends on the life of the Legislature, and we agreed yesterday that we would meet after May 14 to apprise the input that one receives.

MR. CHAIRMAN: So it may be academic.

MR. FOX: Yes, I think it's academic at this point. It would seem to me, just as a matter of practice, that we should make our recommendations as a committee. If we can come to an agreement and convince one another that we include those things in our report without having to – I mean, certainly I will be talking to my caucus colleagues tomorrow about the things that we've been talking about in this meeting, but just as a matter of practice here, I think we as a committee should be free to make our recommendations without having to get basically the unanimous consent of the House before it's even brought to the House. That is the kind of strict caucus discipline that the public is sort of losing patience with. You know, if we're trying to find ways for members to more freely advocate on behalf of the people they represent, consistent with that I think within the committee we should try and come up with a report that we agree to that's not censored by one caucus or another prior to it coming to the House.

MR. CHAIRMAN: You also recall that we had sent the letter, Corinne, to each member, and they certainly have the freedom to have their views. Individually as well as collectively there could be some good suggestions that come from the caucuses.

MR. FOX: Oh, sure. We'll consider their input just like we do from anybody; exactly. I'm just leery. Let's say we put a lot of work into making some recommendations about the order of business and members' statements and stuff. If someone with influence in government caucus, for example, says, "Forget it," then we don't even include it in our report, and that information's not there for the 23rd Legislature if an election comes in the meantime. I just think that if we do our work as a committee, we make our report as a committee, and either the House likes it or doesn't. Understanding that there are 83 members there and we're but a handful and their collective wisdom may well exceed ours, but we've been examining these things in a more detailed way than most members would have the opportunity to do in terms of their time.

MR. CHAIRMAN: Okay; let's go back to the Standing Orders as proposed by Mr. Speaker's office through Dr. McNeil. I draw your attention to page 5 under Standing Order 8(5). What's the comment? "Consider the addition of a suborder to provide for designation of votable items of private Members' business." What's your understanding of that?

MR. FOX: I think what that means is that we should give some consideration to finding a mechanism whereby a vote would be compelled on certain items of private members' business. Again, we can debate in theory or in isolation or fill the ear with words on any one of a number of subjects, but unless a vote is held on certain items, the public really has no indication of how the Legislature feels about certain items. There is a strong lobby both from within and without parliament to ensure that some items come to a vote. Now, I believe they have that system in the

House of Commons. For some items of private members' business votes are held; aren't there? Does anyone know that?

MR. CHAIRMAN: You'd have to read the McGrath report, I guess. What in effect that says indirectly: closure is imposed, because members wishing to speak cannot speak. In other words, you've cut off debate. As you recall from our Standing Orders, now under rules of debate the Speaker puts the question, "May the hon. member conclude debate on this item?" So if another member wishes to speak, that is the opportunity. However, what about *Beauchesne* and Standing Orders that refer to: that the previous question now be put? That is, enough is enough is enough; I want to vote on this. The Speaker or Chair must then put the question, which automatically cuts off any further debate. In other words, that's now in the Standing Orders. Right?

MR. FOX: So you're thinking that this might not be useful or necessary?

MR. CHAIRMAN: Or necessary, I'm thinking. You know, it's almost covered in the voting process. The electronic voting, we said, was a track record of how members voted on issues. In a way, I guess, it's again pretty academic if it doesn't come to a vote. So I can understand that certain items you would have to bring to a vote. I think that comes out of the McGrath review in Ottawa. I think we should have a look at that.

MR. FOX: Do we have copies of the McGrath report?

MR. CHAIRMAN: Yeah.

MRS. KAMUCHIK: I think it's in the back of your binder.

MR. FOX: Oh, yeah.

MR. CHAIRMAN: What tab is it?

MR. FOX: It's a white tab: Reform/House of Commons. Maybe we can refresh our memories a bit over the lunch break or something.

Just for my sake, John, could we go through these Standing Orders in order now? We've discussed some things that will require amendments to particular ones. Can we just identify all those that will be affected by the tentative agreements we've come to here?

MR. CHAIRMAN: Within our own Standing Orders?

MR. FOX: Yeah. Like you've got us on page 5 now, and that's an important item. I just wonder if there aren't things prior to that that we've missed. Or have we covered all these?

MR. CHAIRMAN: Well, just to refresh our memory, I draw your attention to page 1. We suggested an amendment under Standing Order 2 about the "question shall be decided" for "matter shall be decided."

MR. FOX: Right.

MR. CHAIRMAN: Number 3 we've dealt with, in terms of hours.

MR. FOX: Okay; 3(1) is affected.

MR. CHAIRMAN: Yeah, 3(1) is affected.

MR. FOX: Section 3(2) is unaffected.

MR. CHAIRMAN: Section 3(2) is not affected.

MR. FOX: Section 3(3) is unaffected.

MR. CHAIRMAN: Section 3(3) is not affected.

Section 4(1) automatically would be affected; 4(2) would be affected; 4(3) would not be affected.

Standing Order 5(1) wouldn't be affected.

MR. FOX: We were going to recommend that the word "Mr." be replaced with "the."

MR. CHAIRMAN: "The Speaker."

MR. FOX: Throughout. That was something we'd agreed on.

MR. CHAIRMAN: Yeah. I don't understand the historical significance of the term "Mr. Speaker." There could be something there, but I think we generally agreed it should be "the Speaker."

MR. FOX: Yes. It's unlikely, you know, given the lack of representation for women by women in parliaments and Legislatures that there would have been a Speaker who was a woman anytime prior – I mean, in some jurisdictions they weren't even allowed to vote, for pete's sake, until fairly recently.

11:35

MRS. B. LAING: Well, Jeanne Sauvé was though. She was the Speaker.

MR. FOX: Well, yeah. Recent history though. She may have been the first.

MR. CHAIRMAN: Referred to as Madam Speaker, as I recall.

MR. FOX: You know, when you're addressing: Madam Speaker. But in terms of our language – Mr. Speaker – we should have "the Speaker," because it's clear.

MR. CHAIRMAN: Although you may recall that under the Interpretation Act for a minister of the Crown they use the words "his department," and so on. It's utilized both ways. I think it's positive to say "the Speaker." Okay.

MR. FOX: Section 5(1) is unchanged. Section 5(2) is unchanged. Right?

MRS. B. LAING: Uh huh.

MR. FOX: Section 6. Now, did we want to . . .

MR. CHAIRMAN: . . . embellish that at all?

MR. FOX: Yeah.

The Speaker or a member designated by the Speaker shall offer prayers every day at the meeting of the Assembly before any business is entered upon.

MR. CHAIRMAN: Why not insert "or a member designated"?

MR. FOX: Yeah. Or a member designated by Mr. Speaker.

MR. CHAIRMAN: Designated by the Speaker.

MR. FOX: Yeah. "The Speaker."

MR. CHAIRMAN: I don't want to sound technical, but under 6 should that read "each" day as opposed to "every" day? Is that too technical? Bonnie, you're a teacher.

MRS. B. LAING: I think it's all right: every day.

MR. FOX: Section 7 is affected?

MR. CHAIRMAN: In section 7 we've adopted a change.

MR. FOX: Section 7(1) I mean. Section 7(2) would be changed to "Introduction of Visitors and Guests." Well, 7(2) and (3) would be combined.

MR. CHAIRMAN: They're both combined into one; aren't they?

MR. FOX: Combined and amended to reflect the recommendation.

Section 8(1) would have to be amended because there's no Monday, Tuesday, Thursday evenings; right?

MR. CHAIRMAN: And 8(2) we've dealt with; it's changed.

MR. FOX: Right; the order of business.

MR. CHAIRMAN: Which then impacts on 8(3), 8(4), 8(5). Now, observations are made there about certain items, but I think we should read the McGrath report and see what that thinking is.

MR. FOX: With respect to votable private members' business?

MR. CHAIRMAN: Yeah.

MR. FOX: Yes, let's look at that.

Sections 9(1) and 9(2) would remain unchanged.

MR. CHAIRMAN: Yeah.

Section 10.

MRS. B. LAING: I think we should accept the amendment suggested.

MR. FOX: That's fairly straightforward, the amendment proposed by the Speaker.

MR. CHAIRMAN: Uh huh.

MR. FOX: "Every member is bound to attend the service of the Assembly."

MR. CHAIRMAN: Section 11(1).

MRS. B. LAING: Uh huh.

MR. CHAIRMAN: Section 11(2). Has that ever occurred in the history of the House? Does anybody know?

MR. FOX: A tie vote?

MR. CHAIRMAN: Uh huh.

MRS. KAMUCHIK: Yes, I think so. Or was that in committee?

MR. CHAIRMAN: I think it's happened in committee.

MRS. KAMUCHIK: It's happened in committee. I'm trying to remember.

MR. CHAIRMAN: Sections 12(1), 12(2). The recommendation's in 12(3).

MR. FOX: That seems straightforward. There's a recommendation for change there.

MR. CHAIRMAN: It seems pretty clear. So we would accept the recommendation?

MRS. B. LAING: Uh huh.

MR. FOX: I think so. Yeah.

MR. CHAIRMAN: Sections 12(4), 12(5).

Section 13(1), questions of order: how do you interpret that? It never occurred to me before. Is that points of order?

MR. FOX: Yes.

MR. CHAIRMAN: Okay.

Sections 13(2), (3), (4), and (5). At some point we're going to be talking about the committee and the rules of the House being affected, I guess. Section 13(6).

Section 14. Accept the recommendation of the Speaker? It's just a matter of the galleries, I guess.

MR. FOX: Uh huh.

MR. CHAIRMAN: Section 14(3). Section 14(4) is technical.

MRS. KAMUCHIK: On 14(4) did you want to go to the revised order?

MR. CHAIRMAN: I'm sorry. Yeah, unless there's a disagreement, I think we should go to the revised. It simply adds "the Committee."

Section 15(1): "A breach of rights of the Assembly or of any member" and the amendment "or of the parliamentary rights of any member." Parliamentary rights as defined in *Beauchesne* or *Erskine May*?

MRS. KAMUCHIK: I would think that's what that means.

MR. FOX: That's a pretty encompassing term.

MRS. KAMUCHIK: It's the rights of the member to act as a member: represent his constituency and carry on his duties.

MR. CHAIRMAN: Yeah, I guess what I'm getting at is that there's a definition somewhere, and in effect what they're saying is that if the Standing Orders do not at the present time include "parliamentary rights," it would now be amended to say "parliamentary rights." There's a definition somewhere of parliamentary rights. I assume that's what it is. I have no quarrel with that.

Sections 15(2), 15(3).

MR. FOX: Can we just look at these? These are some of the most contentious parts of our agenda. If we could just ponder

them for a moment in terms of the severity or the import of matters of privilege. Currently

a member wishing to raise a question of privilege shall give a written notice containing a brief statement of the question to Mr. Speaker . . . and to any person . . . at least two hours before the opening . . .

That's reasonable, eh? Everyone deserves to have notice of that sort of thing.

"Defer debate": that's reasonable. Often these things require time.

MR. CHAIRMAN: Then (4) provides that if a member does not show, the Speaker may decide: "in the circumstances, the matter may be dealt with." I think that's fair.

MR. FOX: So 15(5) just provides the mechanism for raising a question of privilege without prior notice; it's sort of oral notice of something that's just happened. It has to be "immediately after the words are uttered." Now, they're recommending a change here.

11:45

MR. CHAIRMAN: Well, they're specifying in the first instance that there must be written notice. Then they're saying in the amendment that the written notice - I guess in their view, too, it conflicts with 15(5).

MRS. KAMUCHIK: That's right. One is saying you can do that, yeah.

MR. FOX: This just clarifies the exception to the rule. Okay.

MRS. KAMUCHIK: More cosmetic.

MR. CHAIRMAN: Section 15(6), debate on the privilege. Sections 15(7), (8), (9).

Now, section 16 is not a problem.

Section 17. If you recall *Erskine May* - there's been some discussion in the House about this in the past - if two members rise, the Speaker should recognize who first rose in his place. *Erskine May* spells out that if two or more members rise, Mr. Speaker shall, under terms of debate, interpret pro and con to the matter under discussion. Now, this was a touchy point. I know when I was in the Chair, people would say, "I was up first," on a point of order, et cetera, et cetera. I remember ruling under *Erskine May* that the Chair makes certain assumptions; i.e., government proposes, opposition opposes, and you would recognize an opposite point of view. Now, should that be clarified in 17? The Speaker's office didn't perceive it as a problem.

MR. FOX: I guess I haven't either. I mean, sometimes with debate being restricted, not very much time allowed for debate on a private member's Bill, for example, only a few people get in. You know, it's hard to satisfy everybody, but it seems to me the Speaker has to exercise some discretion there. There may be occasional complaints of unfairness, but I'm not aware of any general feeling in that regard.

MR. CHAIRMAN: Well, the only time I sense that there would be a difficulty is if two members of the opposition rose; i.e., different political parties. You know; the Chair recognizes one member because he jumped first.

MR. FOX: Yeah.

MR. CHAIRMAN: I mean, it's kind of technical, because it's in the judgment of the Speaker as to whom he sees.

MR. FOX: Well, the Speaker's always tried to be very fair in that regard. The problem sometimes occurs that the Chair changes during the course of the debate, and the Deputy Speaker may be required to recognize someone not knowing what . . . I don't perceive it as a problem. Do you Bonnie?

MRS. B. LAING: No. I mean, sometimes it's physically impossible to see the whole Chamber. I think if there's been a mistake, it's been an honest one that perhaps they didn't notice one person who was to the side.

MR. FOX: Well, standing first isn't the only consideration.

MR. CHAIRMAN: No, but 17 almost spells that out. Where it has been difficult in the past is when I've been in the Chair, I would say, for example, the hon. Member for Vegreville, followed by Westlock-Sturgeon.

MR. FOX: Yeah, you start to book the speakers.

MR. CHAIRMAN: Then I left the Chair. When somebody came in the Chair, you know, that's where that difficulty arises, so a note should be left. I always attempted to leave a note as to who was next. That's sort of contradicting 17; that's all. If the Speaker doesn't think it's a problem, I don't think we should.

Before we go on to 18, let's have an adjournment. During our lunch break perhaps we'll go through the McGrath report with regard to bringing private members' items to a vote.

It's going to be handy to have Parliamentary Counsel, because I know in our Standing Orders you can move the previous question which in effect, if it carries, eliminates discussion.

[The committee adjourned from 11:50 a.m. to 1:52 p.m.]

MR. CHAIRMAN: We'll call the committee to order. Bob, we should bring you up to date on what's been done today. We had quite a discussion, you can gather, from the transcript. On Tuesday and Thursday we made some suggested changes. I'll ask Derek - I have them written down, but he suggested them - to speak to them for your benefit.

DR. ELLIOTT: Thanks, Mr. Chairman.

MR. FOX: Basically, we went over the details of Kurt's proposal again and came to some agreement on most of the things we wanted to advocate for members' statements being part of the daily routine: up to three per day; a two-minute duration; no rebuttal, just members' statements; no restrictions on topic; normal rules of debate and decorum in the House apply; members who are leaders of recognized parties or members of Executive Council would not avail themselves of that part of the agenda; the number of opportunities would be allocated to caucuses on a basis consistent with their representation in the House, and some method would need to be established to allocate them and ensure that all members have access over time to members' statements.

Then in terms of business, the change we came up with and would recommend is that on Tuesday and Thursday the continuation of business after the one hour allocated for routine business would be two hours for MLA motions instead of the one and a half that Kurt recommends. That would include Written Questions and Motions for Returns.

DR. ELLIOTT: I'm sorry. Two hours for?

MR. FOX: Actually, I'd better jump. The first hour after routine orders immediately following question period would be government business, followed by two hours of MLA motions and one hour of MLA proposed laws on a Tuesday and a Thursday with provisions consistent with our current Standing Orders that would say that if a Bill or motion was introduced for debate after 10 past the hour, that motion or Bill would stand and retain its place for debate on the following private members' day.

DR. ELLIOTT: Written Questions and Motions for Returns would come where?

MR. FOX: They could be introduced right after government business during the first part of that time period allocated to MLA motions. The net effect of all that is that there would be an extra hour a week in theory for MLA motions and an extra hour a week in practice for MLA proposed laws.

Then we were just going through all the Standing Orders as they appear under tab K to determine whether or not we need to make consequential revisions to those and recommend them.

MR. CHAIRMAN: Bob, we're on page 11 now of Speaker Carter's suggestions for revision. Other than Derek's report there's no substantive change other than a lot of adjustment in the wording. If you recall, instead of "Mr. Speaker," it will read "the Speaker," et cetera, et cetera.

I just draw your attention, Bob, so you're aware of it, to page 10, the previous section 17:

When two or more members rise to speak, Mr. Speaker calls upon the member who first rose.

We had a bit of discussion about that. I think it's generally conceded that the Speaker uses his discretion in recognizing who's standing, whether they're for or against, et cetera. We don't think that needs changing.

Number 18 on page 11, the recommended amendment, if I can draw your attention to which motions are debatable: 18(1)(a), (b), (c), (d), (e), no recommended changes.

MR. FOX: There is a recommendation, though, that 18(1) be changed just to clarify the revised order there.

MR. CHAIRMAN: Yeah; we're coming back to that and "motions which are debatable include," that terminology to be used.

Is this the time we should discuss the matter that each Bill must have three readings on separate days, et cetera? You recall the discussion whereby legislation that all parties agreed to could go through really without debate. Under the present system by unanimous consent you can do as many readings as you wish the same day. Queen's Park in Toronto has a committee, and they can show - which is contrary to our Standing Orders, I guess - a Bill to the public before introduction. I recall that discussion. Then if there's all-party agreement, rather than spend the time of the House for three days of separate readings and accompanying problems with the administration of listing it in Votes and Proceedings as to progress and so on, that could be dealt with in a single day. Do you remember that discussion? How does that apply to Standing Order 18? It refers to each reading.

MR. FOX: Well, I don't think it really refers to each reading here; that will come later.

MR. CHAIRMAN: I guess the very fact it's debatable is why I raised it.

MR. FOX: Yeah. It doesn't refer to first reading, which is the introduction of the Bill, and it doesn't talk about when it can be introduced for debate. It's just describing what's debatable.

MR. CHAIRMAN: So we'll come to that then.

MR. FOX: I think so.

MR. CHAIRMAN: Okay.

Sections 18(g), (h), (i), (j), (k), (l), (m), and then 18(2): that's pretty clear now.

MR. FOX: The suggested revision seems quite reasonable there.

MR. CHAIRMAN: No argument there, eh?

MR. FOX: Section 18(2), okay.

MR. CHAIRMAN: Section 19(1): there's a suggestion with regard to an amendment in the time period. That presumably would be amended by our new times, which is administrative.

2:02

MR. FOX: Well, I think the revised order makes sense. They're trying to make these times consistent with other times on the agenda when the question is put, so we'd just have to revise them: the subamendment is under consideration at 6:15 p.m. or at 12:45 p.m. on a Friday. That would carry forward through 19(1)(a), (b), and (c); right?

MR. CHAIRMAN: (a), (b), and (c).

Section 19(2): no problem.

Any discussion on 20? They're combining 20(a) and (b), I guess, as one. Is (a) 20?

DR. ELLIOTT: Yeah.

MR. FOX:

In the matter of a member taking part in a debate on an amendment to a motion:

(a) if a member is moving an amendment, that member has the right to speak both to the main question and the amendment in one speech.

MR. CHAIRMAN: That just clarifies the two.

(b) except when an amendment is a substitute motion . . .

MR. FOX: It points out in the comments that substitute motions are out of order anyway, so there's no point having that in a standing order.

MR. CHAIRMAN: I was going to say that it's kind of moot.

Section 21 clarifies the word "clear."

MR. FOX: "One day's notice" eliminates the word "clear" in "one clear day's notice."

MR. CHAIRMAN: We had a discussion one time on that word "clear."

MR. FOX: Yeah, we sure did, with the former Member for Edmonton-Strathcona.

I guess it changes "minister of the Crown" to "member of the Executive Council." This is the closure motion.

MR. CHAIRMAN: Section 21(2) is to provide for the question and answer type of debate permitted in committees. That's only reasonable. Has that ever arisen?

MR. FOX: Well, yes. You know, we've debated Bills under closure: the Electoral Divisions Statutes Amendment Act. Debated under closure, when it's in committee, if a member can speak only once, that doesn't permit the flow in debate.

MR. CHAIRMAN: Well, it takes away from the intent of the committee; doesn't it?

MR. FOX: Yeah.

MR. CHAIRMAN: I'm trying to recall whether we had a problem in committee. I'm just trying to remember.

MRS. KAMUCHIK: With Bill 55 it was limited. There were a lot of questions back and forth because there was a lot of clarification, but it was understood by the committee Chairman that it would be give-and-take.

MR. CHAIRMAN: So this formalizes everything. Okay.

DR. ELLIOTT: Mr. Chairman, the whole discussion with respect to committee when the Speaker is not present is someplace else; is it? I'm not that familiar with the orders. I'm just wondering why the revised order here is confusing work in the committee with work in the House proper with the Speaker in the Chair, or have I missed something?

MRS. KAMUCHIK: Well, these revised orders – the Table officers have put in their input to clarify certain orders that are misleading or open to interpretation.

MR. FOX: Yeah. For someone reading the transcript of our discussions here, it may seem rather incomplete, because we're not putting the whole text of each Standing Order on the record as we discuss it. Standing Order 21 is the closure motion standing order, and it sets out the rules that apply to debate both in the Assembly and in Committee of the Whole.

DR. ELLIOTT: That's right.

MR. CHAIRMAN: Well, it's referenced later on that the rules of the House apply in committee.

Section 22(1) is clear?

MR. FOX: Yes.

MR. CHAIRMAN: Sections 22(2), 23. Is there any concern about 23(c), Derek, "raises matters which have been decided during the current session"? That's referred to quite often in various places.

MR. FOX: Well, okay. It says:

23. A member will be called to order by Mr. Speaker if that member:

(c) persists in needless repetition or raises matters which have been decided during the current session.

You know, I think they should probably be separated. "Raises matters which have been decided during the . . . session" is quite common parliamentary tradition. You can't debate something that's already been debated or introduce a motion to deal with something that's already been resolved in the House, but that's different from how some people interpret "persists in needless repetition." I've heard it ruled that if you say something somebody else has said before in debate on an item that has not been resolved in the House, that's needless repetition.

MR. CHAIRMAN: Well, *Beauchesne* is fairly clear on repetition. There's a separate citation dealing with repetition. I guess my point is that they're combined here and maybe they shouldn't be combined.

MR. FOX: My reading of *Beauchesne* is that Speakers traditionally have been of the view that it's very difficult to establish when something is repetitious. If a member is raising the same point over and over and over again, then it could be considered repetitious, but some interpret that being: "Oh, well, your friend used that argument three days ago. You can't use the same argument in the same debate." Well, there aren't very many Legislatures in the Commonwealth where I think that has been ruled as needless repetition.

MR. CHAIRMAN: I guess my point is: should 23(c) be separated into two? It's not recommended it be changed.

MR. FOX: I'm not sure it would make much difference. I mean, we recognize that they're two different issues.

MR. CHAIRMAN: Okay.

Section 23(d). Section 23(e) is a recommended change that's produced debate in the House: "any matter already on the Order Paper or on notice for consideration for that day." Could someone explain to me how it is "for that day"?

MR. FOX: Well, I think this is a good clarification, because if you interpreted this Standing Order 23(e) in strict terms, you would be called to order if you raised something in question period about something that theoretically may be covered by a Bill the government has put on the Order Paper but may never introduce for debate. I think the Speaker has been very consistent and even in his rulings on this: if it's up for debate that day, then questions are out of order.

MRS. KAMUCHIK: Estimates consideration is a good example. If the estimates of a particular department are being considered that afternoon, then the questions in question period are ruled out of order that day.

MR. FOX: Yeah, if they relate to budget-related items. In the case of a Bill, if the Bill has gone through second reading, then the Speaker would rule that questions on it, if it is on the Order Paper for debate that day, I think – well, that's trickier, because you never know what the government's going to call.

MR. CHAIRMAN: That's my point. I think the Speaker has been very consistent in rulings on it. The argument has always been: how do we know the government will call that today? That's been the argument in the past. What I'm wondering about – and, Bob, maybe you can help with this – is "or on notice for consideration for that day." My question is: how do you know it is for that day?

2:12

DR. ELLIOTT: I recall examples in the Assembly where the Order Paper displayed information about what was on that date; therefore, questions specific to that particular topic, the general area, were out of order as opposed to what might come up tomorrow or the next day.

MR. CHAIRMAN: Well, as the Deputy Government House Leader I guess I would simply say that when I stated which Bills would be considered, it was construed as that day.

MRS. KAMUCHIK: I was going to say that quite often at adjournment time the Government House Leader will stand up and say, "For consideration the next sitting day, Bill . . ."

MR. FOX: That's subject to change. Maybe we should put some thought to this. To go back, the previous order 23(c) is talking about raising "matters which have been decided during the current session." That's like trying to go over ground that's already been plowed.

MR. CHAIRMAN: That's pretty clear.

MR. FOX: It's pretty clear we're not supposed to do that, but it anticipates, contrary to good parliamentary practice, any matter already on the Order Paper. Well, if it's on the Order Paper, so what? I mean, maybe we shouldn't be so confining. Maybe we should move this out or eliminate it, recommend that it be dropped from Standing Orders, because the only thing it really would apply to would be Oral Question Period because the rest of the agenda is structured; right?

Let's say that you have a motion on the Order Paper, a private member's motion that recommends that the Department of Health privatize MRI scanning, and it just so happens that later that evening the government's going to call a Bill that recommends privatizing MRI scanning. I don't think anyone in the Chair would rule your motion out of order if it has taken six months to get to the top. Maybe the Speaker would. I'm just using an example here to try to distinguish between what is the fixed part of the agenda and what's completely arbitrary; that is, question period. So really in my mind this applies only to question period or Standing Order 30 or Standing Order 40 requests.

MR. CHAIRMAN: Well, let's just go back to the Gesell recommendation that we've accepted and deal with the Tuesday and Motions Other than Government Motions. MRI is the motion to be called that day. Now, because of Motions for Returns, there's no guarantee you're going to get to that. This is my point about the words "for that day." I don't understand how you can say with certainty even on private members' day that you are going to get to that item that day.

MR. FOX: Okay. So if that motion were up for consideration on Tuesday, it would be wrong for me to get up and ask a question on the same matter in question period according to our rules. But to follow my example, if you were in the Chair and that was the motion being debated – say it's Bonnie's motion and it's called; it's on the floor – would you then rule it out of order because a certain Bill might be up later that night dealing with the same matter? I doubt that you would.

MR. CHAIRMAN: What I'm saying is that I don't know how you can predetermine what is going to be for that day. It's the

words "for that day" that are recommended that puzzle me, because there's no guarantee . . .

MR. FOX: Okay. But "for that day," the suggested revision here, is . . .

MR. CHAIRMAN: I think the Speaker has been very fair in the past and is consistent.

MR. FOX: No doubt. But "for that day" is just making it clear that this standing order ought not to be so broad as to apply to the entire session. What I'm suggesting is that maybe we should just recommend that (e) be eliminated. Let's think about that. What would be the impact of that? I mean, so what if you ask a question in question period that may be dealt with in estimates later that day – you have no assurance that it will be dealt with in estimates – or if you ask a question on a particular matter that's relevant to the subject matter of a Bill. You never know that a Bill's going to be called or how long it will be called or who will speak on it. Maybe this Standing Order here is just too restrictive without good reason for what we want to accomplish in the Legislative Assembly; that is, allowing members to speak within reason on matters of concern to their constituents.

MR. CHAIRMAN: Well, you've got to define, because we're relating to question period in terms of anticipation to matters that probably or will be discussed that day. The definition of question period is urgent, urgent business. I mean, the definition of Oral Question Period is to address questions of government policies, et cetera, et cetera, that are urgent. So if someone wants to put that question even though estimates are being called later that day, it presupposes that the member would be there to put the question in the estimates; it presupposes that the member would get into the estimates discussion. It presupposes a lot of things.

MR. FOX: Too many things in my view.

MR. CHAIRMAN: Now, I'm trying to recall how often it's been used.

MRS. KAMUCHIK: Several times in estimates last year.

MR. FOX: See, it's a matter of convention in our Assembly. The Speaker has ruled that for the day that estimates are up, questions shouldn't be brought forward on that matter and also with respect to putting questions during question period on the specifics of government legislation once those Bills have gone through second reading in the Assembly. I mean, the Speaker is left trying to interpret what may be a completely unnecessary rule. It's difficult to enforce. There needs to be a lot of subjective kind of evaluation of the contents of questions. I guess what I'm saying is that I just don't see what purpose that serves from a parliamentary point of view. Like you say, who knows if you'll get a chance to ask a question in estimates. Who knows, if you do get a chance to get up and ask the question, if it will even be dealt with. Even in question period the ministers aren't compelled to answer the question that's asked, although some always did with particular enthusiasm.

MR. CHAIRMAN: Well, just speculate for a moment. The House is sitting, we're in estimates, and Health is going to be called. MRI happens to be very topical. It's almost a given that a question would be put on the privatization of use of MRIs. Well, the Minister of Health, if the question were allowed, would

say, "Well, Mr. Speaker, we'll be into my estimates later today and I'll answer the question." That's a possible answer which no one could find fault with. Conversely, if the member is of the view that it's urgent – I want to know, et cetera, et cetera – there's no guarantee that anybody's going to put it during the estimates and no guarantee, because you're not the Health critic, that you're going to be allowed, et cetera, et cetera. It just seems to me people would take issue with the words "for that day" in there. I interpret that to mean there's a guarantee, then, that that matter would be discussed that day, and I don't see how that's possible.

MR. FOX: You don't agree with me, then, that we should perhaps consider deleting it all together? Because if it's unrevised, it's even more sweeping and confusing in terms of trying to implement it.

MR. CHAIRMAN: Well, I have no problem with the way it is in the present Standing Order, based on the rulings.

MR. FOX: Then theoretically let's take a burning issue, the government's loans to Pocklington as an example. In 1987 I could have been precluded from asking any questions on that matter simply by virtue of the government giving notice of a motion to deal with it. They need never call that motion forward, they need never establish any mechanism for dealing with it, but this Standing Order, the way I read it, could be interpreted as precluding any questions on that matter because it's on notice for consideration.

2:22

MR. CHAIRMAN: That's the difficulty I have with the way it is, but the rulings haven't been . . .

MR. FOX: Oh, sure. The Speaker has been very fair in ruling, but this order doesn't facilitate that.

MR. CHAIRMAN: Okay. I'm just saying that the customary practices of Speaker Carter I felt have been quite fair in that area.

DR. ELLIOTT: Well, I guess my interpretation of it is the one just given by Derek. Because of the way it exists there now, it seems that it would really bind any member with respect to bringing up anything if there's any inclination somewhere in the future.

MR. CHAIRMAN: That's a literal interpretation of the present standing order?

DR. ELLIOTT: Yeah; whereas the revised order indicates in section (e) that any restrictions will be restricted only to that one given day. If this is the way it's been, then Speaker Carter has been almost interpreting it the way the revision shows; hasn't he?

MR. FOX: Oh, sure, and in a way that members of the Assembly accept and understand. But can anyone make an argument why we shouldn't recommend that this just be deleted? What purpose does this serve?

MR. CHAIRMAN: Well, there may be a larger question that I'm not certain of found in *Beauchesne* under the rule of anticipation. There's a section in *Beauchesne* very clearly on anticipation. In the past it's been used where there's a question asked about budgetary matters which are going to be discussed in estimates. I seem to recall some of those rulings.

Now, I raise the issue of using the words "for that day," the certainty of getting into it that day. If the Speaker feels it would be easier to make rulings – frankly, I think the rulings have been fair – by revising that standing order, I don't have a quarrel. I'd be a little more concerned about taking out the section just on the basis of anticipation.

MR. FOX: But why?

MR. CHAIRMAN: Because there have been a lot of rulings on anticipation.

MR. FOX: Yes, but our Standing Orders take precedence over *Beauchesne*, and if we have no rule against anticipation – I still need to be convinced, I guess. I don't hear any arguments about why we need this. How does it impede the agenda or frustrate the work of the Assembly or the government or the opposition? What does it matter if Bonnie gets up and asks the Minister of Health a question about the Department of Health when the department may be dealt with later that day? What difference does it make?

MR. CHAIRMAN: Well, the difference it makes is that if it's not in the standing order, it would then be challenged by *Beauchesne*. If it's not in Standing Orders, *Beauchesne* then rules. That's my point. Now, what they're saying here is that to help clarify it, they would insert those three words "for that day." The concern I have is that then it's going to be virtually mandatory that on that day that matter be discussed, and I don't know how that's done, I guess; you see?

MRS. KAMUCHIK: *Beauchesne* 513:

(1) In determining whether a discussion is out of order on the grounds of anticipation, the Speaker must have regard to the probability of the matter anticipated being brought before the House within a reasonable time.

(2) In applying the anticipation rule, preference is given to the discussions which lead to the most effective result, which has established a descending scale of values for discussions, such as bills which have priority over motions, which in turn have priority over amendments.

If the question can be more effectively discussed in estimates as opposed to a question in question period, then that's when he would rule on the anticipation being out of order, for that day though. Again, he was always doing it "for that day."

MR. CHAIRMAN: Well, on that basis I don't have a quarrel. The word "probability" has been used there.

MR. FOX: I mean, there's no doubt, as I said before, that the revised order clarifies what has been practised and makes it a better standing order in my view. You've highlighted the uncertainties that remain even with that clarification. We're not going to resolve it today, but I'd just like to get on the record that I think that should probably be deleted. I just don't see what purpose it serves, trying to imagine being on the government side or the opposition side, in trying to facilitate the agenda of the House. Then if a member wants to stand up and ask the minister a question, the minister's answer is going to be: "Well, time doesn't permit. I'll deal with that in more detail when I discuss my estimates later." Well, that's the minister's prerogative, and the member would probably feel that his or her time could have been better spent asking another question. I think that would sift out over time and people wouldn't be clogging the agenda.

MR. CHAIRMAN: I guess you'd have to look at if six people were going to ask questions and all those questions fall under that same category, then we'd have to rely, if there was no way to have it here, either on a ruling by the Chair, on *Beauchesne*, or the six ministers would say, "This question's coming up later," et cetera, et cetera.

MR. FOX: Yeah, or the Speaker could rule that that's already been dealt with, and something that has been dealt with is different from something that may be dealt with in the future.

DR. ELLIOTT: That comes under 23(c), the dealt with part.

MR. CHAIRMAN: Yeah; that part's very clear to me, but let's put a question mark there. Derek's comments are noted.

DR. ELLIOTT: For clarification, Mr. Chairman. Derek, your challenge to 23(e), then, basically starts and stops with the word "anticipation." This is assuming that anticipation is bad.

MR. FOX: Yeah.

DR. ELLIOTT: So your concern is just the word "anticipation."

MR. FOX: Well, just delete it. It just seems like an unnecessary restriction.

DR. ELLIOTT: Delete that whole paragraph, because you don't see why anticipation - I'm trying to figure out why anticipation is bad. I can't understand it. We've always assumed anticipation was not acceptable, and if we're going to continue in that world, then the change is a good one. I don't want the member restricted because of anticipation when that might happen tomorrow or next week. That's totally unacceptable, but you've backed it all the way up to that first word.

MR. FOX: That's right. This may be some carryover from a time long past.

DR. ELLIOTT: Then I don't know what the debate would be in that case.

MR. CHAIRMAN: I'm sure Speaker Carter's going to make a presentation to the committee at some point. I've had discussions with him.

DR. ELLIOTT: Let's flag this one and have him bring it to us. Thank you.

MR. CHAIRMAN: Section 23(f). Sections 23(g), (i) and (ii). Is that the sub judice?

MRS. KAMUCHIK: Yes.

MR. FOX: Now, we may need some clarification. Maybe this is something we can raise with the Speaker when we talk to him as well. This has been a ticklish item to rule on, and he's come up with a convention of his own that guides him in ruling on this. I'm not sure that that's described completely in the standing order. Like, at what point is something before the court: if it's been referred to a court, if it's being heard in a court, if it's been heard, if a decision is pending?

MR. CHAIRMAN: Does that include a statement of claim?

MR. FOX: Well, I don't know. See, that's the thing. If I could use that same example I used in the item we were discussing a moment ago, if a government wanted to preclude debate and/or questioning of a particular item, all they need to do is refer it to a court. It may not be their intention to have it dealt with by a court, but if it's construed as being before the court, then government could be spared the embarrassment of being challenged in the House.

MR. CHAIRMAN: And they can't ask the question; right? Okay. We'll clarify that.

MR. FOX: I think the purpose is that we're not challenging the authority of the court. We're not trying to influence the deliberations of the court. We don't want to be doing anything in here that affects the outcome of any decision in the court on a particular matter, but at the same time we need to be able to raise issues and question one another.

MRS. B. LAING: One of the concerns I had was that now that *Hansard* is available to the press - for instance, often you see direct quotes right out of *Hansard* in the press - if a person made a comment about something that was coming before the courts, I kind of wonder about the ramifications down the road, of how that could be used perhaps against you. I kind of worry a little bit about that.

MR. CHAIRMAN: You mean like slander, from that point of view?

2:32

MRS. B. LAING: Yeah, that type of thing. I'm thinking of something that came up where I was named. You wonder what the protection is now that it's sort of common information accessed by the press through *Hansard*. That's why perhaps we really do need this kind of protection.

MR. FOX: Oh, there's no doubt that there's a need for sub judice for rule or convention. I'm just saying that I'm not sure this is the best description of it. We want to protect members, want to protect the integrity of the legal system, but we don't want to protect the government, whoever that might be.

MR. CHAIRMAN: So all these refer to the Speaker calling people to order. We'll clarify that with the Speaker.

Sections 23(h), (i), and (j). Is 23(k) as applicable today as it has been historically? There's another reference in *Beauchesne* about other people; is there not? I'm just wondering if that should be combined. Remember the reference?

MRS. KAMUCHIK: Not off by heart.

MR. CHAIRMAN: Other notable people. I forget how it's referred to in *Beauchesne*. I'm just wondering if it should be included under 23 (k); that's all.

MRS. KAMUCHIK: Yes, there is something. I remember that.

MRS. B. LAING: Sort of like the Prime Minister?

DR. ELLIOTT: What about the Auditor General?

MR. CHAIRMAN: Well, there are other references in *Beauchesne*, but if we're going to have (k) in there, then why not include the ones referred to in *Beauchesne*?

MR. FOX: Well, let's hear what they are.

MRS. KAMUCHIK: "Protected Persons," *Beauchesne* 493.

(1) All references to judges and courts of justice of the nature of personal attack and censure have always been considered unparliamentary, and the Speaker has always treated them as breaches of order. Members have been interrupted in Committee of the Whole by the Chairman when they have cast an imputation upon a judicial proceeding.

(2) When a judge has been employed as a Royal Commissioner, it is proper in the House to criticize the report but not its author.

(3) The Speaker has traditionally protected from attack a group of individuals commonly referred to as "those of high official station". The extent of this group has never been defined. Over the years it has covered senior public servants, ranking officers of the armed services, diplomatic representatives in Canada, a Minister who was not a Member of either House, and the Prime Minister before he won a seat in the House.

(4) The Speaker has cautioned Members to exercise great care in making statements about persons who are outside the House and unable to reply.

MR. FOX: I don't see much to be gained by trying to add to this. There's certainly nothing to be gained by deleting it. I don't see why we'd want to go beyond that. What does speaking disrespectfully mean? Does that mean you can't criticize the Prime Minister or a minister of the Crown? I mean, we don't talk disrespectfully about each other, in theory. We talk about the decisions or positions taken.

MR. CHAIRMAN: Well, what I was wondering was if under 23(k) are those referred to in *Beauchesne* 493. I was just thinking in that context, just that reference.

DR. ELLIOTT: The last line Louise read is all encompassing. It says: or speak disrespectfully of those people who are not in the House and cannot defend themselves, or however that wording was.

MR. FOX: See, disrespectfully is a fairly subjective term, trying to interpret that.

DR. ELLIOTT: It's already used in 23(k) there.

MR. FOX: Yeah, I know. I just remember - I hope you'll forgive me if I get this quote wrong - John Diefenbaker being accused by the Liberals in the House of lying like hell, and he says: well, I don't lie like hell; all I do is tell the truth about what the Liberals are doing, and it sounds like hell. He made that clear.

MR. CHAIRMAN: Well, my point is that for clarification under 23(k), is it acceptable to add "or those in *Beauchesne* 493"? Now, maybe that's confusing in the Standing Orders because *Beauchesne* may not be referred to anywhere in Standing Orders - I don't know - and it would muddy the waters.

DR. ELLIOTT: That almost might be a first - wouldn't it? - to make specific reference to it.

MR. CHAIRMAN: Yeah. Well, it was just an observation.

Let's recall, now, one of the purposes of Standing Orders. It's the bible for the members in the House, and it should be made as inclusive as possible for members to access the rules under which the House operates. If that makes it easier for the members, should it not be in the standing order? I guess that's my point.

MRS. B. LAING: This 23(k) is basically speaking of just one category - isn't it? - like Her Majesty and the royal family.

MR. CHAIRMAN: Yeah, but the inference is, and I guess it shouldn't be, that then it's okay to speak disrespectfully of others. Yet it's made very clear under section 23(j) that "abusive or insulting language" could be disrespectful. Maybe (l) looks after that very thing: "introduces any matter in debate which, in the opinion of Mr. Speaker, offends the practices and precedents of the Assembly." Maybe that is already covered, but I'd put a question mark there.

If we can go on to 24, the naming of a member, and 24(2) and the suggested amendment to 24(3), which deal just with the fact of when the Assembly is not sitting. So that would be if we had Public Accounts, I take it, or the Members' Services or Parliamentary Reform committees. So if the House is not sitting, when the House next sits. Could we deal with 24(3)? Is that clear enough for dealing with when the House is not sitting?

MR. FOX: I think so.

DR. ELLIOTT: Yes. I accept the comments over in the far column there, "to provide for circumstances when the House is not sitting so as to allow committees to continue meeting."

MR. CHAIRMAN: Then (4), renumbering, is pretty clear? Then 25 is really closing debate; isn't it?

MR. FOX: Uh huh.

2:42

MR. CHAIRMAN: If you look at 25(b), the paragraph beginning with "and." We discussed that this morning, about the previous question being put and so on, the cutting off of debate. Normally at a reading stage of a Bill, the Speaker informs the House that if the member responds - i.e., speaks a second time - it in effect closes debate. I think it's fine the way it is, but it was in that context that we discussed it this morning.

The amendment for section 25(2) is simply for accuracy. Any problems there? If not, we'll go on to section 26, on page 19.

Is section 26 confusing to anybody? Where this generally arises is in the flurry of amendments at committee stage. "Any member may" but a member may not "interrupt a member while speaking." However, points of order are allowed at any time if they're recognized by the Chair. Generally it's done, I think, under a point of order.

MR. FOX: Well, it seems straightforward.

MR. CHAIRMAN: Okay.
Section 27.

MR. FOX: What's the reason behind that one?

MR. CHAIRMAN: Adjournment motion?

MRS. KAMUCHIK: No. Section 27.

MR. CHAIRMAN: Which one? Section 27.

MR. FOX: "A motion for reading the Orders of the Day shall have precedence to any motion before the Assembly."

MRS. KAMUCHIK: I asked about that because I've never known it to happen.

MR. FOX: What are Orders of the Day?

MRS. KAMUCHIK: What is being considered. It's a motion, let's say. Then say, for instance, that it wasn't for some reason on the Order Paper. The way I took the explanation as given to me was that that motion can be read.

MR. FOX: Yeah, but I mean when Orders of the Day are called, the Clerk or Clerk Assistant stands and says, "government Bill 25."

MRS. KAMUCHIK: I know. But as I said, I don't recall it ever happening, and I said, "What is that?"

DR. ELLIOTT: What was the response?

MRS. KAMUCHIK: That's what I'm trying to – I'm not sure.

MR. CHAIRMAN: But it's not related in any way for a blind person.

MRS. KAMUCHIK: I don't understand that one. I still didn't get a complete, clear answer. I don't know what it is.

MR. FOX: Is that if you walk in and a Bill is being debated, you could stand up and ask that someone tell you what Bill is being debated? I mean, it just seems kind of foolish.

MRS. KAMUCHIK: That's what the understanding of it was, but as you say, it doesn't make much sense.

MR. FOX: Maybe we could flag that one.

MR. CHAIRMAN: Well, let's find out.

MRS. KAMUCHIK: Just about everything is written down today anyway, even amendments.

MR. FOX: Well, sure. Or you can ask someone sitting beside you what's going on. "A motion for reading the Orders of the Day." Reading Orders of the Day traditionally has never been more than what is the next item for consideration. It doesn't go beyond describing all the items for consideration.

MRS. KAMUCHIK: Well, I know. So do they read the whole Order Paper? Well, I'm glad I'm not the only one confused on this one.

MR. CHAIRMAN: Section 28.

MR. FOX: Straightforward, I think.

MR. CHAIRMAN: I mean, if you have the floor, if you're recognized, the motion to adjourn is appropriate anytime; isn't it?

MR. FOX: Yes.

MR. CHAIRMAN: Okay. Time limits, section 29. The suggestion is a reduction in general speaking time. We should have some discussion on this, but can we have a quick, five-minute break first?

[The committee adjourned from 2:46 p.m. to 2:56 p.m.]

MR. CHAIRMAN: Just for clarification, under Standing Order 29 on page 19 should it read – I'm thinking of the terminology – "Leader of the Opposition" or "Leader of the Official Opposition"? Is that a technicality?

MR. FOX: Well, I was just thinking about that and realizing that we've probably lapsed into talking about Leader of the Official Opposition, but Leader of the Official Opposition is Leader of the Opposition as well. There is only one Leader of the Opposition regardless of how many parties are involved. That person is the leader of the second party.

MR. CHAIRMAN: Okay. So the recommendation is that we delete (a)(iv), with (i), (ii), and (iii) being all right: "the mover on the occasion of the budget address," which is the Provincial Treasurer.

MR. FOX: So that means that the Premier or the Leader of the Opposition can speak at any time they want on anything for up to 90 minutes?

MRS. KAMUCHIK: Yep.

MR. CHAIRMAN: That's how I read it, yeah. It's always been that way.

MR. FOX: It has never been abused?

MR. CHAIRMAN: No; I can't think of an occasion.

MR. FOX: Not often used, in fact.

MRS. B. LAING: What would be wrong with cutting it back to 60 minutes?

DR. ELLIOTT: I would follow up on that. Why would 20 minutes be suggested for this?

MR. CHAIRMAN: That's only in (iv), Bob.

Are we agreed on (i), (ii), (iii); i.e., the Premier, the Leader of the Opposition, and the Provincial Treasurer?

MR. FOX: I think what they're recommending, John, if I read this correctly, is that we delete (a)(iv) from the standing order altogether so that "the mover in debate on a Bill proposing substantive amendment to more than one statute" does not have a speaking time that's different from any other member in the House; that the only members that do are the Premier, the Leader of the Opposition, and the Provincial Treasurer on the occasion of the Budget Address, and that that remain at 90 minutes. That's the way I read it.

MR. CHAIRMAN: That's how I read it, and (iv), any other, would be limited to 20 is the way I read it.

MR. FOX: Where's (iv)?

MR. CHAIRMAN: Subsection (a)(iv).

MRS. B. LAING: No; they're saying to take it out, because it's down here in (b).

MR. FOX: Section 29(b) is what it would be, John.

MRS. B. LAING: To take it out of (a), and (b) covers the same thing.

MR. CHAIRMAN: Well, yeah, I guess that's what I'm saying. You'd remove number (iv) and in 29(b) you'd substitute 20 minutes. Is that how you read it?

MR. FOX: Yeah. That's the recommendation, but let's think about this: "the mover in debate on a resolution or on a Bill proposing to create a new statute or to amend . . ." So if we're deleting (a)(iv), then we would have to delete in 29(b) the word "one" or change the word "one" to "a" so that it says: "to create a new statute or to amend a statute" or statutes. Just put an "s" after there, because sometimes there's a substantive amendment to more than one statute. It's a miscellaneous statutes amendment Act or whatever. You know, on an agricultural statutes amendment Act, according to this standing order the minister could speak for 90 minutes. The recommendation is to delete that, so we should make it clear in 29(b) that the speaking limits in that order apply to people proposing to create new statutes or amendments to a statute or statutes. Right?

MR. CHAIRMAN: Instead of "one statute," you're saying.

MR. FOX: Yeah, because that other category is left out. If it's not in 29(a)(iv), then it needs to be referred to in 29(b) I think.

DR. ELLIOTT: You're right.

MR. CHAIRMAN: And your suggested wording?

MR. FOX: "Create a new statute or to amend a statute" with "s" in brackets after that. A statute or statutes.

MR. CHAIRMAN: Or "to amend statutes;" right?

MRS. KAMUCHIK: "A statute."

MR. CHAIRMAN: Why not: "on a Bill proposing to create a new statute or to amend statutes"? Is that not proper? That would cover one or more.

MR. FOX: That implies that it has to be more than one.

MRS. KAMUCHIK: Right.

MR. FOX: I think the correct wording, although it's awkward, would be "a statute," and by putting "s" in brackets after that, that would pluralize it in effect. Maybe someone from *Hansard* knows more about grammar than I do.

MR. CHAIRMAN: If you had the "s" in brackets?

MR. FOX: Yeah.

MRS. KAMUCHIK: Yeah, so you could have the option of a single statute or several.

MR. FOX: Or statutes.

MR. CHAIRMAN: So that refers to changing from 30 to 20.

MR. FOX: Can we leave that debate for a second: the minutes of speaking time? There's another consequential change that

they're recommending here: that 29(c) be deleted, obviously to be consistent with deleting 29(a)(iv). Do we agree to that?

MR. CHAIRMAN: Uh huh.
Subsection (d).

MR. FOX: Is there a standing order that deals with speaking limits in the committee as well?

MR. CHAIRMAN: I think there's a separate . . .

MR. FOX: A separate section dealing with rules of debate.

MR. CHAIRMAN: It's under Standing Order 62.

MR. FOX: Okay. So it's understood that in dealing with 29(b) and (d) here, we're dealing with proceedings of the Assembly not of committee. I would oppose shortening the speaking time from 30 minutes to 20 minutes in general.

MR. CHAIRMAN: In Bills and resolutions?

MR. FOX: We're just dealing with Bills and resolutions.

MR. CHAIRMAN: That's the part we're dealing with.

3:06

MR. FOX: Yeah, Bills and resolutions here. This is not estimates debate; this is on the Speech from the Throne, Government Motions, private members' business, proposed Bills, statutes, whatever.

I can confide with members of the committee that there are many times when I've used 30 minutes in the House and felt that I'd only just begun to outline my arguments on a particular position. I don't think I've been unnecessarily repetitive, but all kidding aside, I think there are items that are substantial. Some Bills are complex, and in order to try and convince the House of something – 30 minutes might sound like a lot of time, but when you start to use it, it can go by pretty quickly, especially in (b) here, where the mover of the debate gets 30 minutes in opening and closing applies, and in (d) then other members get 30 minutes as well. Rather than generally shortening, I'd be in favour of looking at something that is in common practise in Ottawa, and I referred to this earlier, where they have a diminishing scale for time limits where the mover and first speaker from each caucus have a time limit that's different from speakers who come after.

Maybe the mover and the designated critic from each caucus would have a 30-minute time limit in debate, and if we needed to shorten it for other members – although with our current rules the only tool you have to fight what you believe is an onerous part of the government's agenda is debate. You'll find this out when you're in opposition. The only tool you have is debate, and the hope is that by making compelling arguments and by showing the firmness of your resolve, the government may be persuaded to either make the amendments you're proposing, back down, or that in the time it takes for the debate to occur, public sentiment will have been aroused sufficiently to put pressure on individual members. I mean, that's the hope. If we understand we're dealing not with debate on estimates here but with debate on Bills and motions, I don't think we should put time limits on the debate.

There's very, very seldom a time when all members avail themselves of the opportunity to speak. We have other rules that apply: no member can speak more than once, for example, on second and third reading; no member can speak more than once on

any motion, as a matter of fact, unless you're the mover of the motion. So there are restrictions that apply. There are some pretty strict rules with respect to amendments and subamendments that can be introduced, the scope of them. I don't see any merit in shortening this. I mean, there should be adequate time for debating. Let's take something that was controversial but that we dealt with: the seat belt debate. All members need access to that, and if some of them take longer than others to make their arguments, so be it.

MR. CHAIRMAN: Before Bob speaks. Part of your argument is valid, certainly; 40 percent of it isn't in that when you mention being critic for the party, you're presupposing it only consists of government business in the House. Bills and resolutions are not all government business. So a mover of a Bill or a resolution on private members' day I think is uniquely different from another member of the House in terms of speaking to it. I don't understand why the reference to a political party in a private member's Bill or motion. Now, if you wanted to say, "on a government Bill," that I think gives a bit of a different flavour.

I think there's general consensus – and I want to hear from Dr. Elliott – that members don't have an opportunity to speak in this Assembly, which is their place of business, because the time limits are too long. Suggestions have been made about 10 minutes, for example; we're not dealing with committee at this point. The recommendation here is that we use 20.

The one thing I'm going to ask you, Louise: do we have what other jurisdictions do, other than Ottawa, in terms of time limits? I just thought I'd leave that with you.

I want to hear from Dr. Elliott because he wanted to speak on that.

DR. ELLIOTT: I'm intrigued by Derek's comments about some sort of sliding scale in the time frame. I do believe that a person presenting a motion introducing a major topic should be provided adequate time. I think it should have a limit to it, not just go on for ever and ever and ever. Now, I know our records tell us that there are debates that go two and three and four hours and so on in our Assembly, but I can't visualize why that would be necessary. So I'd be interested in having you pursue that further for us: how a person introducing a motion or Bill would have more time to introduce it than others to debate it afterwards.

I think the chairman has indicated my frustration with this, but I don't have anything to really prove – this is a feeling I have as a government backbencher, that there's a tremendous amount of time used by individuals speaking. I guess I'm built a different way. Maybe why I'm not an active participant of time in the Assembly is because I'm nervous about the usefulness of some of it past the first five minutes. My training is in: pardon me for taking three pages to write this letter because I haven't had the time to put it all into one page. So a long speech is the product of a badly prepared speech, as far as I'm concerned. If it's carefully crafted and properly done, it can say everything that needs to be said in a much shorter time than what we're allowing here: 30 minutes. However, that should not impact on this discussion, because I know that debate in the Assembly has to be free flowing. It has to be spontaneous, and the luxury of having a speech prepared in advance when you're rebutting is not something we have available to us. So I've just shot down my own argument on it.

I do feel badly that I'm leaving this particular line of work without perhaps having had the questionable advantage of having served on the opposition side of the House. Maybe if I move to

another jurisdiction, I might have that opportunity someday. I do recognize that deficiency in my training.

MR. FOX: I think I said at one point that I would see the first speaker from each caucus as being in the same category as the mover, whether that be government, opposition, or whatever. If I said opposition critic, I understand your discomfort with that, because there is no recognition in any of our Standing Orders of an opposition critic. That's not defined. That's just sort of something that you understand among yourselves. If the first speaker from each caucus could be seen as different from subsequent speakers or a person speaking a second or third time in a debate if that were, for example, during committee, the second or third time they participate could be seen as different than the first time if you want to establish time limits, but I really do take exception to the notion that there isn't time on the agenda for other members to participate in debate because some members speak for 30 minutes. I don't see it that way. I think the reason there isn't time for other members to participate in debate as they would desire or require is because the time limits for debate in general are too short. I won't deal with estimates now.

DR. ELLIOTT: One's a product of the other of course.

MR. FOX: Well, one fills the other. For example, when we debated Bill 55 – I think it was called in third reading under closure – there was one hour for debate on that Bill. You could say: "Well, there's only one hour. Therefore, we can only each speak for two minutes. That way we all get in." Well, it's not the fact that there's a 30-minute individual limit on members speaking in debate at that stage; it's the fact that there's only an hour allowed for everybody.

I've been to other jurisdictions. In Saskatchewan a member was into the 11th hour, if the pun can be forgiven. Eleven hours of debate on a particular item: one guy. He'd just stand up and let it fly and go after stuff for 11 hours. It would be interrupted with adjournment and another question period, but the item that day was up for debate, and Mr. Calvert was on his feet and didn't relinquish the floor until the House adjourned again. So I'd be interested in hearing what other time limits on debate are.

There are limits for members already, the number of times you don't see any reason to shorten the

MRS. B. LAING: Well, I really believe that the minutes should be shortened. I think 20 minutes is reasonable. I think on other matters 10 minutes is enough time. If you're organized, you can say the pertinent things in 20 minutes. If we look at some of the other sections of Bill 55, we heard a lot of repetition on the Bill and then on the amendment and on the subamendment. You know, it's very difficult if you're sitting on the other side to hear the same thing just coming a different route. I think the things that can be said should be said very succinctly and that you can get your points across very well in 20 minutes. You keep people's attention then. They are alert; they are ready to participate. People just tune out after a while if they know there's no hope of ever getting on there. With the 30 minutes, in 90 minutes you've done the mover, the two oppositions, and that's it. That's the end of it. So people get discouraged and they say: "Well, what's the point? I can't get my thoughts out; I can't get my concerns out. My constituent's point of view isn't represented because there's no time for me to say it." I don't know about the descending order of time. That might be a very complicated thing for the Clerk and for members to keep track of. I haven't seen that; that's the first

I've heard of it. I really believe we can do things in a lot less time and involve more people from all the caucuses, your own included.

3:16

DR. ELLIOTT: Mr. Chairman, I was just looking for clarification. I'm wondering if this discussion we're having right now applies to only one specific area of the Orders of the Day.

MR. CHAIRMAN: In the Assembly as opposed to in committee and on Bills and motions.

DR. ELLIOTT: For example then, Mr. Chairman, when we deal with Thursday afternoon between 4:30 and 5:30: one hour to deal with a private member's Bill.

MR. CHAIRMAN: Well, that's a hundred percent more than you have now under the proposal.

MR. FOX: It wouldn't be though. We've created two periods that are equally . . .

DR. ELLIOTT: I'm referring to the way it was. I'm not referring to as it exists today. We have 60 minutes. If the mover of the Bill chooses to speak for 30 minutes and the first speaker after speaks 30 minutes, then it's 5:30 and we're gone.

MR. CHAIRMAN: That's Bonnie's point, I think.

DR. ELLIOTT: So it's not a case of going on for 11 hours; we only have 60 minutes. If we could at least have 20 minutes, we could at least get three speakers in, unless they choose to go for shorter periods of time.

MR. FOX: Maybe you're on to something here. Just to point out. When I get up to speak on a Bill, I guess I know in my heart of hearts that the government members already know how they're going to vote – this is a government Bill; we're going to proceed with it; that's our agenda, and you're not going to talk us out of it – but I think what we're trying to do is come up with rules that recognize people are frustrated by that system where all the decisions are made in the caucus and the Legislature itself is mostly just a rubber stamp or a charade. When I do make arguments, I do my best to try and convince members on the other side that I'm right. For me to suggest that that needs to be confined and that if I can reduce it to 10 minutes it's more effective than 30 is not a valid argument in my view, because sometimes there are a number of points that need to be brought in in order to try and convince members of the merit of the position that I hold. So I just really sort of dig my heels in when people suggest that we should cut back the amount we speak because other members need to get in. It's not my speaking that precludes other people from speaking. In my view, it's the fact that the debate might not be called again or it may be closed.

Maybe we can distinguish between different parts of the agenda. Maybe on private members' days we could shorten the limit, because when I'm debating your motion on private members' day, we're not fighting with each other over a substantive piece of the Assembly's business where debate is the only tool I can use to either force you into closure, to show the public how unreasonable the government is, or to convince you to change your mind before the vote. Maybe we could have limits that apply during debate on private members' day that are different from the limits for what is

government business. That may again be different from what we set up during estimates debate.

MR. CHAIRMAN: I would venture a guess . . .

MR. FOX: Could I just point out just to finish that argument . . .

MR. CHAIRMAN: Oh, I'm sorry.

MR. FOX: There are three parts of the agenda now that we're dealing with. One is government business in the Assembly, two is private members' business in the Assembly, and three is government business in Committee of Supply. Government business in Committee of Supply and private members' business both have external time limits. There are fixed limits to those debates either in terms of days or hours in a day, and so within those limits we can maybe adjust individual members' speaking time to allow greater access to that. But the main item, government business – Bills and motions – there is no outside time limit on that unless it's imposed by government, either by them only bringing forward debate on address and reply to the Speech from the Throne on two days instead of 10 like our Standing Orders imply, or because they bring in closure on a Bill. Those are government imposed limits, and it's on those matters that I would object very strongly to us limiting individual members' right to speak, because they're already limited through the number of times you can participate in debate.

MR. CHAIRMAN: That's reasonably accurate. I was going to say that in the past quarter century we've increased the membership in the House by probably a third and we've not altered the speaking times. So although we may have a third more members, the speaking limits, I would suggest, have been in place in the Standing Orders since we had 65 members in the House, which almost by definition means, unless you extend the whole House, that the time available for the additional members is obviously limited. So I think the practicality of altering the time limit makes a lot more sense when you recognize the number of members who are in the House – not dealing with parties, just the total members. That was my observation.

Bob, were you going to respond to this?

DR. ELLIOTT: I just wanted to add one more comment to the debate, Mr. Chairman. I don't think that my initial comments necessarily implied one particular component of the Assembly. In other words, I'm not talking about opposition parties necessarily. I mean, no particular political party has a monopoly on how long their speakers can speak, because that can happen to any side of the House.

My point is this. With the time frames we have, the 30-minute speeches within this restricted area that you referred to, Derek, of only one hour, an hour and a half or whatever it is, do restrict the number of people who can take part in it. Whether or not we're trying to persuade each other one way or the other with respect to the topic, the fact remains that there are times when people, rightly or wrongly, want to make a statement in the House on behalf of their constituents if for no other purpose than to clip *Hansard* and write their press release: "I spoke to this in the House last Thursday. I reflected the position of my constituents as I understood it," and so on. I feel that there are a lot of us even being denied that with the way these rules are written or set right now, not because anybody's abusing any rules or because anybody's doing anything wrong. It's because the setup of the rules today

denies me the opportunity that I think I should have to do that more often.

MR. CHAIRMAN: If I can just add a note – members don't mind if I comment?

DR. ELLIOTT: It's a little late in asking, sir. Go ahead.

MR. FOX: Where were you last November when you could have asked that question?

MR. CHAIRMAN: You know, I was Chairman of Committees for the Legislature, and I can assure you – the number of members who came to me privately, frustrated and upset that they could not get a word into the committee study of anything as much as they tried, and they had strong views that they wanted to express: that high sense of frustration that I got from them personally as Chairman of Committees. You're aware, Derek, more than anybody about the list of people who wanted to speak, and time ran out and we adjourned the House and so on. My emphasis on this business of time limits is to allow more members an opportunity to say something. That's how I perceive it, which is uniquely different I think from some of your experience. I mean, to have all those members come to me very upset not with me but with the system and the government and the whole host of things – that's why the suggestion's even been made of five minutes, for example, or only questions in Supply and no statements.

MR. FOX: Okay. But we're not dealing with Supply here.

MR. CHAIRMAN: That's right.

MR. FOX: We're dealing with other items, and we're coming at it from different points of view here. I expressed the frustration that I feel on occasion when the minister introduces a Bill and may not even provide any introductory comments on a Bill when reading it a second time. I stand up as the designated critic from the Official Opposition to deal with this important matter, and I get members on the other side of the House shouting out: "Question, question, question. Why are you wasting our time?" I kind of object to that because I figure we're sent there to . . .

3:26

MR. CHAIRMAN: I don't blame you.

MR. FOX: Yeah, you can understand that. So there are two different points of view here, and what we have to try and do, I think, is leave open the opportunity for all members to access the proceedings of the House. We've done that, if our recommendations are accepted, by increasing by two hours a week the time allocated for private members' business and by introducing 15 members' statements periods per week. That will provide substantial opportunity.

You know, the purpose of debate in the House when we're dealing with matters of urgent government business, be it motions or Bills, is not just to get comments on the record but to try and convince the government that the agenda needs to either be abandoned or modified. Sometimes that takes more than five or 10 or 20 minutes to do. So as a member of this committee I'm not prepared to look at shortening the amount of time that members are allowed to speak if we're dealing with government business in the Assembly. That just may end up being a dissenting opinion out of the majority that decides that's the way it should be.

DR. ELLIOTT: But for private members' days?

MR. FOX: For private members' days I think we could come up with something there that would ensure greater access to that time period for members of the Assembly by shortening it from 30 to either 20 or even 15 minutes, because we're dealing with relatively short periods of time.

DR. ELLIOTT: Committee of Supply?

MR. FOX: Well, Committee of Supply is something we come to later. I'm just thinking about in the House now.

DR. ELLIOTT: Oh, I want to ask about question period. Sorry, Mr. Chairman. I'm interrupting with this comment. What about question period? How long should anybody be entitled to ask a question? The preambles: you know, the Speaker's constantly standing up and interfering with people trying to ask a question. Should we put a time limit on that? How long does it take to ask a question?

MR. CHAIRMAN: Well, that's stated in *Beauchesne* quite clearly. How it's applied is perhaps the issue.

DR. ELLIOTT: Are we going to get to visit it here?

MR. FOX: I don't think it's in here, the form of questions.

MR. CHAIRMAN: I think Derek's point, if I can again interject, is that the Official Opposition has a unique role to play in government business. He's conceded, albeit after a spell, that private members' and public business is a different kind of issue. He would entertain, I think, suggestions that those time limits be altered. Am I paraphrasing you correctly?

MR. FOX: Yes.

MR. CHAIRMAN: We should have another look at private members' day. I don't think it alters very much, from the government members' point of view, the fact that they do not have sufficient opportunity to express their views. Albeit again, as Derek Fox has pointed out, we've now introduced 15 opportunities in a week, if our recommendations are accepted, where a member may have that opportunity, but they've not had it before.

MR. FOX: Plus 50 percent more time allocated on the agenda to private members' business generally.

I just thought of another consequence of this. If we recommended shortening the time limit for all members in debate on private members' business to, let's say, 15 minutes from 30, the chances of some of these items coming to a vote are increased substantially, which may solve another problem for us. We were looking at the McGrath report over the lunch hour with respect to recommendations in the House of Commons for ensuring that a certain number of private members' items, be they motions or Bills, come for a vote. Our system doesn't apply directly to theirs, but making that change might well solve that problem. We'd see items coming for a vote. Some are now. I mean, there are some private members' Bills and motions other than government motions that do come forward for a vote. I just think there'd be more of them if we did that.

MR. CHAIRMAN: So under Standing Order 29 we've had a new element introduced, and that is with regard to speaking limits. I

thought we agreed that 29(a)(iv) be removed. We're in consideration of 29(b). The new element is that if it's government business as opposed to private members' public business, time limits be looked at differently. I think that was the gist of Derek's point of view. He would oppose reducing from 30 minutes to something less for government business but be quite amenable to the private members' day time limit being reduced. Now, the suggestion here by the Clerk was 20 minutes. Others suggested anywhere from 10 to 20, including 15. Just leave it in abeyance is his point, because the caucuses will probably decide about the government business on time limits, although Dr. Elliott's already spoken to it. What about the private members' public business? Would the committee entertain the thought of having that at 20 or 15 or something other than 30?

MRS. B. LAING: I would say let the mover have 20 minutes and everyone else 10. I think then you would really get some very short, snappy speeches and a lot more people participating. That would be my recommendation.

MR. CHAIRMAN: That as you know rings a bell with regard to Standing Order 30; right? For urgent business each member is restricted to 10 minutes. The difference is that no conclusion is reached.

MRS. B. LAING: I think then you would come to more votes, as Derek has suggested. Certainly there'd be greater participation for everyone.

MR. CHAIRMAN: Then how do we deal with 29(c), Derek? You would delete it?

MR. FOX: Yeah.

DR. ELLIOTT: The page, Mr. Chairman? You're at the top of page 20?

MR. CHAIRMAN: Yeah, 20.

MR. FOX: That would be deleted. Section 29(d) would be revised as recommended there, but we would have to add a section in there that would differentiate between the existing, and 30 minutes would be the speaking limit for movers and speakers on government business in the Assembly and a speaking time that's different either for the mover and subsequent speakers or all speakers on the private members' business.

MR. CHAIRMAN: Section 29(d). Why do I find that confusing?

MR. FOX: Well, 29(d) would become (c) by virtue of the fact that (c) is deleted. The recommended revised order doesn't reflect that. It would refer to "except as provided in clauses (a) and (b)" instead of (a) to (c). Then we'd have to add a clause (d) that would differentiate between private members' business, and there may need to be reference in (b) and (c). Well, it wouldn't take five minutes to draft. The gist is on paper here. I guess at some point later we as a committee would have a chance to agree on these things.

DR. ELLIOTT: I don't see any problem there. That reflects it; doesn't it?

MR. FOX: Yeah.

MR. CHAIRMAN: Well, I don't think it's difficult to do.

Standing Order 30. Is that process all right as is? You'll recall this was amended, too, at one time, and 15 members was put in. It's not always been that way.

3:36

MR. FOX: Well, I don't recall any problems with it. There have probably only been three or four occasions in the last seven years when a Standing Order 30 debate has actually occurred in the Assembly, two of them, I believe, on the Oldman dam.

MR. CHAIRMAN: Yeah, repetition.

MR. FOX: Separated by years, I think, Mr. Chairman.

One on elk ranching and tuberculosis. We had one recently; didn't we?

MRS. KAMUCHIK: Yes, we did. I can get you the history of those very quickly.

MR. FOX: There was one in February.

MR. CHAIRMAN: We did one in February. The Speaker put the question. As a matter of fact, the government wanted it. Wasn't it the heritage fund?

MRS. KAMUCHIK: Oh, I can't remember.

MR. FOX: It was something where it was obviously good politics for the government to want to have an emergency debate.

MR. CHAIRMAN: It was public accounts to deal with the heritage fund; wasn't it?

MRS. DACYSHYN: Public accounts to deal with the report of the Auditor General on NovAtel: is that right?

MR. FOX: That's right.

DR. ELLIOTT: What a memory.

MRS. B. LAING: I blocked it out. That was one of those times when you knew you weren't going to be able to speak anyway.

MR. CHAIRMAN: Section 30(4): it's no problem there, eh?

MR. FOX: I think the revisions are quite clear in the order.

MR. CHAIRMAN: Okay. So that deals with section 30. Down to 30(7)(b). Again terminology.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Section 30(7)(f): just take out the word "distinct."

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Section 31(1). It's repetition with regard to the Speaker. I guess that's the reason.

Any question about calling a division with three members?

MR. FOX: Well, when was that established?

MR. CHAIRMAN: I don't know why that wasn't changed. Well, I don't know that history.

DR. ELLIOTT: It went from five to three; did it? Or from four to three?

MR. CHAIRMAN: I thought it was four at one time, but I'd have to look into that history.

MR. FOX: It may be that it needed to be reduced when there were four members in the entire opposition side of the House.

MRS. KAMUCHIK: Standing Order 31(2) has existed since 1916.

MR. CHAIRMAN: Nineteen sixteen?

MRS. KAMUCHIK: Yes.

MR. FOX: Could you be more precise? What day in 1916?

MRS. KAMUCHIK: Give me some time, and I'll find it.

DR. ELLIOTT: December 25. I remember quite well.

MRS. KAMUCHIK: The wording of the current order was adopted by the Assembly on November 25, 1983.

MR. CHAIRMAN: Well, you were within exactly 30 days, Bob: November 25.

DR. ELLIOTT: Well, I was close. With time one's memory fails.

MRS. KAMUCHIK: It required five members then to call for a division, reduced to three in 1928.

MR. FOX: I don't think it's a big deal. In some Assemblies every vote's recorded, and they keep track of how members vote. I mean, if we require a standing vote once in a while, I don't see that it's a big deal.

DR. ELLIOTT: Section 32(1) is no problem here.

MR. CHAIRMAN: Okay. Sections 32(2), (3). Now, (3) is the business of mandatory voting. I guess the option would be if the member does not wish to vote, the member is not present in the House. You know, that's the option.

MRS. B. LAING: That's right.

MR. FOX: I guess there is a difference between that and abstaining. If you abstain on a vote, theoretically your abstention would be noted.

MRS. KAMUCHIK: Because of a conflict of interest, you mean?

MR. FOX: Well, for any reason. Maybe you decide you haven't had sufficient opportunity to decide what the merits of the question are.

MRS. KAMUCHIK: You must vote if you're in the Chamber.

MR. FOX: I know, but John was saying maybe we should look at that compulsory voting. If a member were to remain in the Assembly and not vote, we'd have to make provision for a

member to abstain and have their abstention noted rather than just not being present.

MRS. KAMUCHIK: There was a private member's Bill that had to do with . . . Oh, geez; I can't remember.

MR. FOX: It was a private Bill, and it dealt with the United Farmers of Alberta.

MRS. KAMUCHIK: Yes, and a number of members . . .

MR. FOX: Yeah. We had to absent ourselves from the vote because of pecuniary interest. That can be noted on the record. Currently if a member does not want to take part in the vote and the member is here, the member just has to make sure that he or she is not in the House. The record wouldn't show that the member was here and decided not to take part in the vote; it would just show that you didn't vote. I don't know. Why don't we leave it the way it is?

MRS. B. LAING: I think it's less confusing.

MR. FOX: Yeah. If you're there, you have to vote.

MR. CHAIRMAN: Certainly if you had electronic voting, every member remaining must vote, the way Arizona does it.

MR. FOX: What if you don't push your button?

MR. CHAIRMAN: You don't receive your per diem. So you're not allowed to be out of the House.

MR. FOX: They determine that by voting, not by speaking?

MR. CHAIRMAN: They determine it by the board. They call the roll daily in the House, and you respond to the roll by pressing your button. That's how you respond.

MRS. KAMUCHIK: What if someone else pushes the button?

DR. ELLIOTT: The old army way, Mr. Chairman.

MR. FOX: Well, hon. members in the United States may consider that, Louise, but certainly not in Alberta, pushing someone else's button.

MR. CHAIRMAN: Maybe you'd find a new career. I don't know.

The language in (5) is all right, the ayes and noes?

The financial interest. As you know, we filled two pages with exemptions in the Leg. Assembly Act - i.e., if you recall, members of the Wheat Pool at one time could not vote - a whole host of things.

MR. FOX: Well, that affected me too.

MR. CHAIRMAN: Yeah. I'm saying a whole host of things, and I think that's been dealt with. The difference here is if a member "feels" he or she has a pecuniary interest. Here again is the difference between whether they have a feeling that they have. In this case it's spelled out: if a member has a "pecuniary interest . . . the member shall so declare." Now, I'm trying to recall if members have risen and been recognized by the Speaker and declared. I can't recall that. I thought they just left the House.

MRS. B. LAING: Just the United Farmers. Weren't they recorded this time? I thought they were.

MR. FOX: Our names were read into the record when we left for pecuniary interest.

MRS. B. LAING: Yes, so you were recorded as leaving. That's the only time I can think of.

MR. CHAIRMAN: Just clue me in. How was that handled? The Speaker is putting the question, and then members start rising and say, "Mr. Speaker"?

MRS. B. LAING: They were leaving the Chamber, and they asked to be recorded.

MRS. KAMUCHIK: That they were leaving on that particular issue.

MR. CHAIRMAN: Yeah, but I'm saying that they were recognized in turn by Mr. Speaker and stated that reason. Is that how it was done?

MRS. KAMUCHIK: The names were recorded. I remember that.

MR. FOX: Yes, as members left.

MRS. B. LAING: One rose and said that because of their membership in the United Farmers they would not be able to vote, and they asked that their names be recorded as they left the Chamber, and that was done.

MR. CHAIRMAN: Well, Mr. Fox has to leave in order to open a new provincial building or a nursing home or something in his riding.

MRS. B. LAING: Oh, good for you.

DR. ELLIOTT: Are we invited to go with him?

MR. FOX: Sure. It's BYOD: bring your own doughnuts.

MR. CHAIRMAN: You recall our previous discussion that we would probably not meet again to discuss meaningful matters until after the 14th. I wouldn't mind if we had a caveat in there, because I think we should meet, if possible, on a Tuesday morning, as suggested by Bonnie Laing, if we have matters to discuss. What I would do is call each of you and say, "Can you get together to continue the Standing Order review?" It's not something we're going to hear from the public, in my opinion. I think we could do a lot of meaningful work on these Standing Orders, and when the House is sitting, we'll all be here.

3:46

MR. FOX: Depending upon the duration of the Assembly as well: we can read that. No, I'd be more than happy to arrange a time. The problem with Tuesday morning: you should be aware that our caucus meets on Thursdays out of session, Tuesday mornings in session.

MR. CHAIRMAN: If we can find a time, let's say the dinner hour, for example, to come together and have dinner, if it's possible, I think it would be a grand opportunity if the House is sitting in the evening to take those two hours. I will be asking

each of you. What I feel is extremely important to our members is to try to deal with the Standing Orders. The public is not going to be advising us on Standing Orders.

Thanks, Derek.

MR. FOX: Thank you. See you.

MR. CHAIRMAN: Do we need three members for a quorum?

MRS. KAMUCHIK: That's right.

MR. CHAIRMAN: So we can continue on and have a motion to adjourn, which is in order. As a matter of fact, that might be appropriate now. Then we can continue our discussion and the committee meeting's over, because I'm not so sure how meaningful it is without an opposition member here to talk about it.

DR. ELLIOTT: Yeah. I would feel uncomfortable proceeding at this particular level, Mr. Chairman.

MR. CHAIRMAN: Could we have a motion to adjourn?

DR. ELLIOTT: Will do.

[The committee adjourned at 3:48 p.m.]