



FOURTH SESSION - TWENTY-SECOND LEGISLATURE

of the

Legislative Assembly of Saskatchewan

BOARD OF INTERNAL ECONOMY

MINUTES AND VERBATIM REPORT

Published under the
authority of
The Honourable H.H. Rolfes
Speaker



NO. 3 MARCH 17, 1994

**BOARD OF INTERNAL ECONOMY
1994**

Hon. Herman Rolfes, Chairperson
Saskatoon Nutana

Hon. Carol Carson
Melfort

Glenn Hagel, MLA
Moose Jaw Palliser

Lynda Haverstock, MLA
Saskatoon Greystone

Hon. Eldon Lautermilch
Prince Albert Northcote

Rick Swenson, MLA
Thunder Creek

Eric Upshall, MLA
Humboldt

MEETING #3 1994

BOARD OF INTERNAL ECONOMY

**Room 10 Legislative Building
5:13 p.m. Thursday, March 17, 1994**

Present: Members of the Board of Internal Economy

Hon. Herman Rolfes, Chair
Hon. Carol Carson
Glenn Hagel, MLA
Lynda Haverstock, MLA
Hon. Eldon Lautermilch
Rick Swenson, MLA

Other Members in Attendance

Harold Martens, MLA
Dan D'Autremont, MLA
Gerald Muirhead, MLA
Anita Bergman, MLA
Lloyd Johnson, MLA

Staff to the Board

Gwenn Ronyk, Clerk
Greg Putz, Acting Deputy Clerk
Marilyn Borowski, Director, Financial Services
Deborah Saum, Secretary

MINUTES Moved by Ms. Carson, seconded by Mr. Lautermilch, ordered, that the Minutes of Meeting #2/94 be adopted. Agreed.

AGENDA Agenda, as proposed, was adopted.

ITEM 1 Decision Item - Review and clarification of Directive #4 - Communication Allowance (referred by the Legislative Assembly on March 15, 1994)

Moved by Mr. Swenson, seconded by Ms. Haverstock:

That the Board of Internal Economy:

(1) Determine whether or not a breach of Directive #4 has occurred by the Member from Yorkton resulting from a letter dated February 15, 1993;

(2) Determine how much was paid out of the Communications Allowance for the letter dated February 15, 1993; and

(3) Determine, if a breach has occurred, what restitution would be appropriate by the Member from Yorkton.

A debate arising, Mr. Swenson asked that Mr. Martens, the Member from Morse, be allowed to address the Board. The request was denied.

The debate continuing, it was moved by Mr. Swenson, seconded by Ms. Haverstock that debate on the motion be adjourned. The question being put, it was negatived.

The debate continuing and the question being put on the main motion, it was negatived.

The Board requested the Legislative Assembly Office to gather information, at their earliest convenience, with respect to other Legislative jurisdictions in North America, regarding:

(1) What directives, bylaws or rules they have in place regarding MLA communications expenditures,

(2) How they monitor communications; and,

(3) What recourse the Board has when a Member is found to be in contravention of directives.

Moved by Ms. Haverstock, by leave of the Board:

That Item #10 of the Minutes of Mtg. #2/94 be amended to add the following words, as reflected by the actual wording in the Verbatim of Mtg. #2/94:

"That the meeting take place as soon as possible, and that we (Mr. Lautermilch, Mr. Swenson, and Ms. Haverstock) come forward with a draft report for the Board to consider."

The question being put, it was agreed to.

Moved by Ms. Haverstock, seconded by Mr. Hagel, that the meeting be adjourned at 6:45 p.m.

BOARD OF INTERNAL ECONOMY
March 17, 1994

The Chairperson: — I think we should begin the meeting. The first item on the agenda is the review of the minutes of meeting no. 2 of 1994. If you turn to your first flap, the minutes are there. I don't know if members had an opportunity to go through the minutes but if you have, would someone move that we adopt the minutes?

Moved by Ms. Carson. Seconded for acceptance of the minutes? Seconded by Eldon. Discussion? All those in favour? All those opposed? Carried.

Hon. Ms. Carson: — There's a cabinet meeting that started at 5 and we have to be out of here by quarter to 6.

The Chairperson: — Well there's only one item on the agenda and it's up to the members how they wish to deal with it. The agenda is before you. The item no. 1 is the only item. This decision item is the review and clarification of directive #4, communications allowance referred by the Legislative Assembly on March 15, 1994. And that item entails all that was in the suggestion made by the House to the Board of Internal Economy.

So unless there are other items that members wish to add . . . Are there any other items? If not . . . All right.

Ms. Haverstock: — No, I don't want to add any more items. I'm just wondering if after the discussion of the agenda if I could ask the members to consider . . . I apologize for being late, but there was one item listed in the minutes that wasn't directly from the verbatim, and so I'd like some consideration of that after this, but I . . .

The Chairperson: — We would have to revert back to the minutes because the minutes have already been adopted. But we can do that with the leave of the committee. But we'll leave that until the end, the item till the end.

Ms. Haverstock: — Yes.

The Chairperson: — All those agreed that item no. 1 shall be the item . . . or the agenda? All those agreed? Opposed? Carried. All right. We are open then for discussion on item no. 1, the only item.

Mr. Swenson: — Thank you, Mr. Chairman. I think there's a number of issues that the board has to clarify and deal with today and it appears we're going to be under very short time constraints.

Number one, my understanding or my . . . I have been led to believe that the deliberations of this committee are not covered by privilege. If I am wrong in that assumption, I would like to have that clarified immediately.

I think it's important that members feel that all the privileges of the House are extended to this body here and that we are able to proceed forthwith. Do you have an opinion on that?

The Chairperson: — Yes, Mr. Swenson, I do believe that because this is an independent board set up by statute and not a committee of the Legislative Assembly, there certainly is some doubt as to whether or not privilege extends to this board.

I don't think one can conclusively say that it does or does not extend, but I would advise members to be cautious in believing that the privileges that you have in the House extend to this board. They may not. And that is also the belief of some other jurisdictions who have similar boards set up. But I think the only way that one could be sure is if it went to court and the courts made a decision on it.

Mr. Swenson: — Okay. Thank you, Mr. Speaker. I think that that is an important consideration because the issue before us today does deal with, I believe with privilege, members' privileges in a number of areas. And I think the task before us is to clarify that.

I think there's been a long-standing confusion over policy regarding communication allowances and I think we have to determine what that . . . what process needs to be taken to make sure that when these policies are broken, or when they are broken, or if they are broken, that there is a clear delineation of how things are dealt with.

In the House the other day we identified what we believe to be a breach of directive #4 by a member of the Assembly, and because of the fuzziness surrounding how these things are dealt with . . . As you know, the process was to bring it up as a question of privilege which was denied, then attempted to address the situation through the Standing Committee on Privileges and Elections through a substantive motion of the Assembly which was identified as one of the possible processes. That was amended and that process then came to a halt and it ended up back in the confines of this room again.

So we now find ourselves in the Board of Internal Economy. The agenda item is saying that we are here to clarify these rules which I think is absolutely fundamental to the well-being of members, taxpayers — people who believe in our system. And I hope that we can get through this occasion tonight with a fairly definitive conclusion of at least where we would like to be because of cases like the one that was brought to the Assembly and other cases that have arisen.

I would like again before we start, to have either yourself or the Clerk, once again clarify for me the process that would be involved with a breach of a directive whether it be communications or whatever. I want to know what the chain of command that we presently have in place is and I think that's important so that we can identify the checks and balances that are already in place and then from there go on to a process perhaps that will allow us, as members, to solve the problem before us.

Because right now it just sits out there like a sore

thumb and I believe there is an inequity in the way that members are being dealt with. And that's not to point fingers at any one particular individual or group of individuals. It is simply unacceptable to have that type of inequity in place.

And I believe that the people who elect us would expect that, if we are going to have the privilege of governing ourselves as is responsible in the British parliamentary system, that we should also have the appropriate mechanisms available to come to a reasonable conclusion and I don't see that, given what we've gone through in the last few days. So I wonder if it would be agreeable by members that we have the Clerk explain very clearly the process that is in place and how that functions for members of this Assembly.

The Chairperson: — Yes. I'm not quite clear. I was going to ask the same thing. I'm not quite clear what process you are referring to, Mr. Swenson.

Mr. Swenson: — We are dealing with directive 4 which deals with communications.

The Chairperson: — Yes, I realize that.

Mr. Swenson: — A member submits an item under communications. In our present handbook we have lists that are acceptable and those that are not acceptable, and then there's probably a whole realm of things that aren't listed one way or the other — possibilities.

The case in question that was raised dealt with solicitation of funds to a political party using MLA (Member of the Legislative Assembly) letterhead and postage. If you want to use that example, that's fine. But I think anything that would be identified in the members' handbook could fall into those realms.

And I refer back to the verbatim on March 3 where the Clerk did go through a bit of an explanation when I asked the question surrounding that. I would like for us to clearly understand the process that we have right now to handle these types of things, because I think we will probably request information pertaining to other jurisdictions, for instance, may come into solving this problem.

But as I see it right now, there are clear inequities on how members are dealt with and that's unacceptable. So I would like the Clerk to run through the process.

Ms. Ronyk: — Thank you, Mr. Chairman, and thank you, Mr. Swenson. I'll try to answer your questions as I understand what you're asking me to do is to explain what the process is for the processing of members' claims and we'll deal with the communication allowance, since that is the issue. And as you are aware and members are aware, that these allowances are very complicated and there's very many processes in place of course throughout each and all of them.

With respect to our general procedure with how we process a claim is that we have the directive before us as the guideline and as the basis by which we make a

decision as to whether the claim is appropriate to be paid. That's an administrative function. The board has established a directive and they have established staff to administer those policies that the board has set down.

Our role then is to receive the claim from a member, and a member must submit a claim under the communication allowance on a claim form which he or she signs at the bottom, and attached to that claim form . . . the claim form itself identifies the allowance that is being claimed under and what the claim is for. And attached to that claim form there must be whatever documentation is required by the directive to be provided. And that varies from directive to directive and within the directive.

Within the communications directive, members must submit a receipt or an invoice; if they are claiming, for example, postage, they must have a Canada Post receipt that says they paid X dollars for postage. We will then process it and pay it.

What we do when we receive the claim and the supporting documents is we look at it, and if it appears to fall within the intent of the directive, we pay it. If it does not fall . . . appear to fall within the intent of the directive quite clearly, we reject it. If it's not clear from the documentation whether or not that particular claim is eligible under the directive, we seek further information from the member.

If, when we receive that information we then can make a judgement that it falls within the directive, we pay it. If the further information does not make it clear to us that it falls within the directive, we'll reject it. If it's unclear still and the member disagrees perhaps with our assessment of whether it is or is not under the directive, then we will raise it with . . . I'm saying, when I say "we", this is basically what financial services does, the staff in financial services who ultimately report to the Clerk.

This is the process they follow and if they have a concern, ultimately they will raise it with me, with the Clerk. If we still feel that it is not clear — perhaps this is a new item that has not been dealt with under that particular directive; perhaps it's a very significant change to the way it's been interpreted; perhaps it's, you know, a new element that we haven't had experience with before — then we will raise it with the Speaker and ultimately it may be raised with the board for clarification. We ask the board for direction on, is it the board's intent that this kind of expense be covered under the directive? Ultimately it's a policy decision.

Now under the communications directive I think the key issue related to the case that has been raised recently in the House is that it deals with a portion of the directive that governs whether communications material can be partisan, or whether it can solicit party attendance, and party fund-raising.

Now the directive does not require that members submit copies of the communications that they have sent in order to claim for payment. Members will

submit postage claims, but we do not know what the postage was used on from the documentation. Members will submit printing claims; we do not know what was printed and we're not asked by the board to make that judgement. Members do not have to submit it and therefore we are not in any position in financial services or in the Legislative Assembly Office to make a judgement as to whether that particular, any particular, communication is in violation or agreement with the terms of the directive. I can only assume that the board's decision to not require those materials to be part of the claim process is because they feel that that is a judgement that members should make and that it's appropriate that members make those judgements.

And therefore the only requirements that we have when a claim is made, that is if it's a printing claim, that indeed some printing company has submitted an invoice. Or if it's an ad that was run on radio or in a newspaper, that that particular newspaper or radio station submits an invoice that identifies it as an expenditure that has been committed.

Therefore we in financial services are not in a position to judge whether or not there has been a violation of the communications allowance with respect to the partisan element.

Mr. Swenson: — Okay. I think I understand that. What you're saying then is in some cases members are asked to make that determination because they are the persons signing the claim form and as such as are legally responsible for it. When you put your name on there you're taking legal responsibility. Is that correct?

Ms. Ronyk: — I think in some cases yes. In some cases there are specific things that are required in that case. We cannot make a judgement as to partisanship because members are not required to submit that evidence.

Mr. Swenson: — Okay. In other cases though you do make value judgements. When items come through that are under communications, it has a clear chain of command where it goes from Clerk to Marilyn to yourself to the Speaker to the board.

Ms. Ronyk: — I wouldn't call it a value judgement. I would call it an administrative judgement, an interpretation. That's what administering a rule or a directive or an Act is. You take the framework of the Act and you take a particular instance and you make the judgement as to whether it falls within the interpretation. And we are guided by what we feel is the intent of the body that created that policy, in this case the board.

Mr. Swenson: — You see, this is where I have some difficulty with this process because on one hand we ask members to make . . . in their own mind they make a judgement of whether they have followed the directive or they have abused the directive. You really have no way of checking on that.

In other cases the members can submit items for

reimbursement or direct payment or whatever. That enters your process and you look at things and if one person isn't comfortable, it is passed up the chain. Ultimately, as I understand it, it would get to here. I mean you've clearly said that these are administrative roles that you are fulfilling there through the Legislative Assembly.

Unfortunately, what we as members face is that, at the end of this process, any individual in our society can sign their name to an affidavit and at that point it enters the legal system. The legal system then is charged with breaches of the process. And I believe that that is an inequity that possibly shouldn't exist. But value judgements — and I think that is an appropriate term — are being made in an administrative way that can result in very dire consequences.

I am told, in the case that we brought to the House, if an individual in that particular riding or anyone in the province had chosen to choose that route that that could have resulted in a police investigation. I'm not sure if, under the present system that we have here, that was what was intended by us having a communication allowance identified in our member's rule book with acceptable and non-acceptable. Because in my time as a member here, I've always clearly understood that I had the recourse of the board, as a member, because these are my peers. And even though I don't have the right to vote here, I have the right to come and speak and sit in and have my particular case adjudicated — as it should be.

I understand in the House of Commons that was the process that members have open to them. And yet this process can be short-circuited at any time by a member of the public, and it doesn't seem to matter if it's \$1 or \$1,000 that enters into it.

And I think clearly we need, in this body here, to define an end result that is accountable but that clearly allows members the opportunity to work themselves through a chain of command, and that all people in that command have to be responsible ultimately. And if that isn't the wish, then we're going to have to come up with something else because it simply, I believe, is unfair.

And there may be other examples that are going to come forward to this board or to the Legislative Assembly; then it will have to be dealt with. I don't know if this board wants to be in a position of determining whether members should make restitution or do those kinds of things because that is a fairly large step to take. But I think that that may be preferable when people are making administrative value judgements on one side, as to throwing this whole process into the legal system on the other.

So I'm at a bit of a loss here. And I don't know if it would be appropriate to move a motion at this stage of the game because I'm not sure we have enough information for problem solving. But I view it as a very serious problem.

And if this board does not have the ability to adjudicate — which clearly, Mr. Speaker, Mr. Chairman, you identified in the House the other day — with any sort of recourse, and we don't even have perhaps the ability of having privilege, then I think we need to define a process that does have both privilege and recourse of the board.

And I'll look to other members to comment on that.

The Chairperson: — Mr. Swenson, I'd like to make a comment because there are a couple of things in your statement that I take exception to, because I don't think they're correct; I just don't think they're correct.

Number one, I don't think it was a breach of the process that we're talking about. It was a breach of the directive, not of the process. It was a breach of the directive. The process that has been established, I don't think there was a breach of that.

Secondly, I don't think that the staff and myself — and I get involved in very, very few, by the way, and they're mostly resolved because we take them back to the members and they can be resolved — I don't think the staff makes an administrative value judgement. They administer the policy of the board. And if there are difficulties with them, there are lines of command in which they are dealt with.

And I can't recall in the two and a half years that I've been Speaker, that if we had very many difficulties, that we've not come back to the member to resolve that and it generally had been resolved. Those that haven't been resolved have often, and most often, reappeared on the agenda for the board to take into consideration. There have been some difficulties with these, and we want clarification from the board exactly where the board stands on it.

The item that is before us right now, there's no way that the staff or myself would know anything about it, however, because the member didn't have to submit under the policy and directive set by the board. The member doesn't have to submit. So the staff and myself would not know if a directive had been breached.

But I also think it's incumbent upon members, if they feel that a directive has been breached, to bring that before the board so the board can deal with it. And I think this is one particular item the board could have dealt with easily enough. It's within, I think, the jurisdiction of the board to deal with those items. And certainly I think it could have been dealt with.

I also want to . . . From my perspective when I became Speaker and chairman of this committee, early in the game said that we needed to make things more explicit so that members could clearly understand what is accepted and what is not accepted. I ask you people to go back over the last two and a half years and look at some of the agenda items that were on. I think the board can deal with them quite adequately, but the board has to make the decision to do so.

Give us the policies that you want and I'm sure that the staff will carry them out. And if there are difficulties, they've always, always gone back to the member to seek further clarification. I don't know how many right now are back with members to seek clarification. I mean that's because they aren't black and white, and members have to make judgements. And we seek further clarification from members on many, many items. I mean I don't personally; I know the staff does.

So I just wanted to make two things clear. It's not a breach of process; it's a breach of a directive. And secondly, I do not believe the staff makes administrative value judgements, whatever that means. I don't like the word "value" in there because I don't think they do that. They make administrative judgements. And every administrator has to make those when you implement policy. You have no choice; that's your job.

Ms. Haverstock: — Thank you. Mine is a very straightforward but fundamental question. Where is the authority under which the board has the right to set directives at all and enforce them? I know that that authority is not in the Legislative Assembly Act under section 68.7. So I'm just wondering where it's located.

Ms. Ronyk: — Ms. Haverstock, it's in section 50 of the Legislative Assembly Act.

Mr. Swenson: — I appreciate your comments, Mr. Speaker, and I'm going to listen with great interest to what proposed solution you have for the issue at hand, which was the one raised in the House. Because I don't see anything in my members' handbook or anywhere else that tells me that there is a definitive way to handle those things. You say it's not a staff problem and I concur with you; in that instance, it isn't a staff problem. It is dealing with a directive and you feel confident that a directive can be dealt with by this board, so that'll be an interesting problem-solving process for us.

And I heartily concur with you that in your time as Speaker I think that there has been an honest effort — as there has been by board members — to deal with things. You and I dealt with one yesterday that I think . . . and it was most appropriate and it was solved in 10 minutes and away we went.

But the simple fact is we also have a case that occurred prior to your becoming Speaker that revolves around a breach of directive no. 4 that is in the court system, and it deals with a item that passed through the administrative process and at the end of the day became a legal question.

If that question had been put to the board at the time, given the . . . and I presume and my research tells me that the handbook and most of the items are very similar to the time that that particular breach occurred. And I concur with you there, that the board could have dealt with the issue and probably resolved it; unfortunately, it didn't.

And I think it is absolutely crucial that we as members

understand very clearly that there is a process to resolve those types of issues before they reach that type of a conclusion, and I firmly believe that that issue would have never gone anywhere further than the Board of Internal Economy.

Now, be as it's said, that occurred some time ago and the issue before us now is something . . . and the Clerk has identified it as being unacceptable under directive 4; if it is unacceptable, then what is the particular recourse available to the board to rectify what is considered to be unacceptable?

Now you've told me that you believe that the board can handle these things in its existing form. I am curious as to what that will mean.

The Chairperson: — I think the member misunderstood what I was saying. I simply said that problems that come vis-a-vis the directives that have been established can certainly be dealt with by the board if they are brought before the board. I was not referring to the specific item that is before us right now. I don't think that is in . . . Right now, because of the process that was taken, I think it's very difficult for me to deal with that right now. I think the board has to deal with it, and not me. It's been taken out of my hands as the administrator and is before the board.

But had that problem been brought before me, yes, I would have certainly . . . First of all, I wouldn't have — it would have been dealt with at the LAO (Legislative Assembly Office) level. And then if it couldn't have been resolved it would have been brought to me and I would have contacted the member. And if we couldn't have resolved it, we would have brought it before the board and the board would have had to deal with it.

Mr. Swenson: — Just so I understand this: if, for instance, I or a member of the public had brought that issue to you, as Speaker of the Assembly, you then would have researched it and you would have made a determination of whether it was a breach or not?

The Chairperson: — Well I think certainly we would have called the member in. I would certainly . . . if a member, if a particular member comes to me as chairman of the board and says, I think this member here is . . . here is information that I have, I think this member breached the directive, I think it's incumbent upon me to call that member in and sit down with the member and say, we'll go through it, and then . . . I don't make the decision. If he feels he's breached it, and reimburses, I suppose — I don't know, it's never been done — it may be resolved. If not, it goes before the board.

I would think that this item would have been brought before the board. I don't think I would have taken it upon myself to make that decision. It would have been brought before the board. Now it's never happened; I don't know how the board would have dealt with it or what the board would do in that particular instance.

But let me put it to you this way: if my recommendation of two years ago had been accepted, then we wouldn't have this, because he would have had to submit his materials and then we would have been . . . no, then the process would have started. If the staff felt it wasn't within the directives, it would have gone to the Clerk. If the Clerk still feels that she couldn't resolve it with him, it would have come to me. And if I felt it was a breach of the directives and we couldn't resolve it, it would have gone before the board.

Mr. Swenson: — I don't want to monopolize the time in here, but we're running . . . That's the problem, Mr. Chairman. We are all big boys and girls, okay? And we come to this House with a fair degree of responsibility and public expectation. And I think we try to conduct ourselves that way most of the time.

And my limited research of the issue has shown me that basically the House of Commons says to you: don't sell memberships and don't fund-raise, you know, with your communications allowance. And the rest is use your good judgement.

Now if you are going to . . . well we had a terrible time getting your budget done this year. And I mean if we're going to add enough staff so that you can do what members do every day and their staffs do every day too, I mean well this place is going to have to add a wing on.

The Chairperson: — We don't want to do it.

Mr. Swenson: — No, I know you don't want to do it. I'm just saying if in your judgement that you probably would have said to the member: this is unacceptable; you're going to have to pay this back, I accept that, okay. I don't know if you need to bring that to the board. I don't know if it has to be the board that says . . .

The Chairperson: — Most of them, Rick, don't come before the board. They are resolved. They are resolved between either the staff or Gwenn or myself. They're all resolved. Or not all, but then most of them are resolved. In some instances members withdraw it, saying okay, fine, I agree. And they withdraw it.

I should have said that they're all resolved before they're paid. Because they have to submit the receipt, and it just isn't paid until it's resolved. And if it's not resolved, we just don't pay it.

Mr. Swenson: — No, but in this instance . . .

The Chairperson: — In this instance we didn't . . .

Mr. Swenson: — There's no way that you would know.

The Chairperson: — No, exactly.

Mr. Swenson: — You would be given a slip from a post office or wherever and you pay the thing, and you assume that it is the correct thing to do. But in the case

where either a member or a member of the public or whoever brings this issue forward, then it has to go to you because it is a clear breach of the directive, okay.

The Chairperson: — That's right.

Mr. Swenson: — And I want to understand how those breaches of the directive are to be dealt with. And I think it's important to this board that we have a pretty clear process in mind.

The Chairperson: — Well either the board has to give us more explicit directives that they want us to carry out . . . I mean we can only look at the directive that is established and say that in the spirit of what has been written here and what . . . I mean we were at the meetings when it was developed. This is what the board had intended.

And you look at it and say, all right, no blatant partisan materials. All right. And if something like that comes before us, one has to pay for it, we say no, don't pay for it. The member can argue; and if he's not satisfied, he or she can appeal to the board or we take it to the board.

Mr. Swenson: — So it's been already paid for.

The Chairperson: — Well if it's paid for, we don't know about it.

Mr. Swenson: — No, but somebody brings it to your attention. It's been paid for and it's brought to your attention.

The Chairperson: — Well it's never happened — never happened. Not in my two and a half years.

Mr. Swenson: — Well it's happened.

The Chairperson: — Well not that I can recall. And I hope my memory doesn't fail me, but I don't recall that, anything of a blatant partisan nature when the receipts have been submitted that we paid for. The member would have to be more explicit on that.

Mr. Swenson: — I think the material was provided to you on the case of the member from Yorkton. And I don't like to single the member from Yorkton out because he isn't . . . there is a bigger issue here.

The Chairperson: — But how do we make that decision?

Mr. Swenson: — Well I guess then we'll . . . if what you're saying is to make a determination of whether there was a breach or not, there has to be a motion in this board then. Is that what you're saying?

The Chairperson: — No, what I'm saying is, if the directive had clearly stated that a member must supply us with the letter and the accompanying stuff, as the member from Yorkton . . . and let's not beat around the bush, we're talking about the member from Yorkton right now — if that had been submitted to us, there probably would have been some

discussion going on as to whether or not that is acceptable.

But he didn't have to submit that to us. We weren't even aware of it — at least I wasn't and I don't think any of the staff were — until it was brought up in the House. And there was no reason for us to because he didn't have to submit anything to us.

Mr. Swenson: — Fine, I accept that. I'm telling you that it has now been brought up in the House and it's before the board. That was the motion . . . (inaudible) . . . It's before the board.

The Chairperson: — Well let the board deal with it then.

Mr. Swenson: — Well okay. I just asked you, if it is in front of us, how do you deal with it? Is it through a motion of the board? You tell me that if these things occur and a complaint comes in to you, you would look at it and decide one way or the other.

The Chairperson: — That's right. Well I mean in consultation, of course. And usually it is consultation with the member. I mean I phone the member and the member . . . (inaudible interjection) . . . Yes, that's before it's paid though. I mean we don't pay it unless we're satisfied there's no directive has been breached.

Mr. Swenson: — Well it's been paid. The case in point has been paid and it is a clear breach of the directive.

The Chairperson: — I know that. And that means . . .

Mr. Swenson: — What I want to do is clear it up.

The Chairperson: — And I agree. And I am waiting for you people to tell me what you want to deal with and I . . . I mean I didn't bring this before the board.

Hon. Mr. Lautermilch: — Mr. Speaker, if I can interject, I would like to know under which portion of a directive and what specifically are we talking to with respect to a breach? The conversation here from my colleague, the Leader of the Opposition, is making, I think, some assumptions.

Mr. Swenson: — Well I think in order to get this thing going in a formal way, I need to move a motion and see if that . . . and I move:

That a breach of directive #4 has occurred by the member from Yorkton, resulting from a letter dated February of 1993; that letter is a breach because of items identified on page 21 of the members' handbook as not being acceptable; they are materials of a blatantly partisan nature, material which solicits donations to a political party or attendance at political functions; (2) how much was paid out from the communication allowance for that letter; and (3) if a breach has occurred, what restitution would be appropriate by that member.

And maybe with a motion we can get into some discussion.

The Chairperson: — Do you have the motion in written form, Mr. Swenson?

Mr. Swenson: — I don't, but I can do it soon.

The Chairperson: — Moved by the member from Thunder Creek. I move a motion which will ask us to (1) determine whether or not a breach of directive #4 has occurred by the member from Yorkton resulting from a letter dated February 1993; (2) how much was paid out of the communications allowance for the letter; (3) if a breach has occurred, what restitution would be appropriate by that member.

Mr. Swenson: — I'm sorry, Mr. Chairman, the date was February 15. I omitted that.

The Chairperson: — It's been moved by the member from Thunder Creek. Do we have a seconder for that motion? Seconded by Ms. Haverstock.

All right, the motion is on the floor.

Hon. Mr. Lautermilch: — Mr. Speaker, I guess I'd like some clarification with respect to the authority of this board.

First of all in dealing with an allegation of a breach of a directive, how that might be determined, and whether or not we have the authority on how we might determine that. And, Gwenn, you might be able to help us out with that.

Secondly the amount that is referred to in the motion, if you can determine that. I'm not clear on that.

The Chairperson: — I'm going to let Gwenn speak on this, if you don't mind.

Ms. Ronyk: — Thank you, Mr. Chairman. Mr. Lautermilch, to answer your second question first, can the Legislative Assembly Office determine how much money was spent on any particular . . . on this case? No, we cannot because we do not know what communications were claimed for.

We could tell you whether any particular member spent money on postage in any particular time frame. We could tell you whether a member spent money on a radio ad or a newspaper ad during any particular time frame. But we cannot tell you whether money was claimed out of the communication allowance for that particular communication before us because those do not need to be submitted when claims are processed. So we cannot tell you that administratively from within our documents.

Hon. Mr. Lautermilch: — With respect to authority and the authority of the board on a breach of directive?

Ms. Ronyk: — I think that would perhaps require a fairly detailed legal consideration and I cannot give

you that. I can suggest that the way we would normally — I think logically or rationally — understand things, that a body that has the authority to establish rules ought to have the authority to determine what constitutes compliance with those rules.

I don't think that it follows from that, that that body has any authority to punish. They probably need something more specific in order to have authority to punish. I'm not sure whether that helps you, but I think that's about all I can say from a kind of a general perspective on what's kind of common sense. It would require really a legal interpretation that I can't give you.

Hon. Mr. Lautermilch: — So then in dealing with the motion, first of all. The authority is, I guess, in question of this board, just what the role of this board is in terms of what we would do with a breach of a directive. We're not clear in terms of whether or not we have the authority to deal with it.

The Chairperson: — I think that is correct. I think we could determine for the board . . . I mean the board could determine whether they think that a directive has been breached. But I think that's about as far as the board might be able to go. But as Gwenn said, I think we would want to have a legal opinion on whether the board has the authority to go any further than that.

Hon. Mr. Lautermilch: — Okay. What other members maybe have some comments?

Mr. Hagel: — Well I guess I'm wondering then, Mr. Chairman, whether your rule . . . is the motion in order? I think what we have here is a question as to whether it's in order or not. What we've been dealing with is really a question of process. And I go back to what I understand to be the rationale in referring the agenda item to the board from the Assembly, which was if I remember correctly to review and clarify the directive — I think that was the wording of it.

And if I remember correctly, not only the precise wording of the motion that the Assembly passed, but the debate to the motion, the intention of that was to clarify process and procedure in the interest of enhancing public trust. I think that's what we're here for. And that's what Rick has alluded to.

I think I'd moved the motion in an attempt to kind of push the issue, to test the question, I think is in essence what happens. And in testing the question I think it becomes obvious to us we don't have the authority to deal with this, it would seem to me, and that the motion itself is out of order would be my view. I've never understood this board to have that authority and I haven't heard an explanation that says to me that it does.

I think our purpose in dealing with this agenda item . . . and I come back to the, again, to the debate in the House on Tuesday. And we've had some walking through this afternoon of the process that is followed to reach a judgement, an adjudication as to whether

something is permissible or not within the guidelines. It's obvious that it's possible for any member at any time to exercise a judgement which . . . and to do that believing that there has not been a violation of the directive and for that to be remedied.

And to the best of my knowledge, that has always been done, I guess, it seems in one of two ways: through the review within Legislative Assembly Office through the Clerk through the Speaker; and then sometimes from there, as we've dealt with in the board in the times that I've been here, frequently questions from members: is such and such permissible? Often-times an example of that might be related to developing technology that is not listed as specifically included or excluded, and so we've dealt with those. Sometimes that occurs.

The only other way that I'm aware that there has been the dealing of a purported violation . . . And I don't think it's fair to anyone to use any phrase other than that — for anyone, for any member — is purported violation. Then there has been the consequence of a process that's involved, legal investigation.

I guess the question that faces us as we sit here in the Board of Internal Economy with . . . and I believe in my heart that everybody who is sitting around this table means exactly what we say when we say it's our intention to enhance public trust, that's our purpose for being here.

What we're . . . as we think about a variety of issues, we find ourselves wrestling with questions like: what is the definition of partisan; what's the definition of blatantly partisan? Those become questions that are difficult to judge.

We have to think of all of this in the context of the system of parliamentary democracy. Because clearly all of us came — as was referred to in the *Hansard* on page 119 of last meeting — we come as partisan representatives of our constituents, not just representatives of our constituents, but through a democratic election in the parliamentary democracy as partisan representatives. And we will all have views as to when we're offended by partisanship and when we think partisanship is just fine because we agree with it, and the public will have those as well. These are hard questions to sort out.

It seems to me, I guess, as we're trying to define then, how do you make . . . how is a judgement . . . what are the criteria, one, two. How are judgements made as to whether the criteria have been apparently breached? Three, is there a source of solution which involves something other than procedure in the legal system. Four, what is being done in the rest of the country? I mean this is the question that we're not . . . nobody has raised here.

But we are one of 11 or 13 — pick your number — jurisdictions in the nation, all of which have parliamentary democracy, all of which extend to the members, privileges to communicate or to do other . . . provide constituent services. All of which I think, in

the time that we are living, are wrestling with these questions and wanting to do that in such a way that what we do not do is to build public cynicism but to build public trust, but to do that because public trust is deserved. I think that's what this process is all about.

And so I guess as we sit here today, I find it hard to deal with a specific question. I don't think we even have a jurisdiction to deal with it quite frankly. I think the motion is out of order, it seems to me. That's the appropriate ruling. I suspect that the Leader of the Opposition may very well suspect the same thing, but putting it on the table forces us to do something with it. And that it may very well be that the most responsible thing that we can do at this point in time is to survey the other jurisdictions in the nation as to what their processes are for dealing with these questions.

It's difficult. It's always been . . . it's been our standard practice in the board when dealing with questions virtually every time — in fact I can't think of an exception — it's been our practice to make a decision based upon a recommendation, and there hasn't been, I don't . . . This is not a criticism of you, Mr. Chairman, because the referral to the legislature to deal with this issue of review and clarification was made — what? — 48 hours ago, roughly. And so I don't criticize for not having a recommendation. But I think that's the responsible way to go.

We should ought not to find ourselves falling into the trap of knee-jerk reactions to issues because you feel that there's a pressure to decide something now that you're not certain of. I mean I don't think that enhances public trust. That's a formula for making silly decisions that are short-sighted and that you find down the road prove not to be not all that wise.

And so I guess I would find myself, Mr. Chairman, in dealing with the agenda item before us, thinking that some detailed and specific review of other jurisdictions' practice and their recommendations, being amalgamated into a recommendation for this board to consider as a means of clarifying . . . well reviewing, but also most importantly clarifying, in this case specifically directive #4, is really the appropriate course of action as we sit here today.

The Chairperson: — Ladies and gentlemen, just to remind members that we have other members other than board members here today. This is not a committee of the House, and therefore only members who are members of the board are able to participate and vote, unless they are given permission by the board to do so.

I have a request from a member who's not a member of the board who wishes to speak, Mr. Martens, and that will require permission of the members of the board for him to speak. Does Mr. Martens have permission to speak?

Hon. Mr. Lautermilch: — No.

The Chairperson: — All those in favour of Mr. Martens being able to speak, please raise your hands.

Those opposed? Mr. Martens may not speak.

Mr. Swenson: — Well, Mr. Speaker, I don't disagree with my colleague from Moose Jaw on the fact that we are dealing with something here perhaps today that is out of our realm of the ability to come to a conclusion.

But I do remind members that this board, in my view, was empowered by the House on Tuesday last, by the motion of Mr. Hagel, to do things. I mean we as members, particularly when you're on the government side, arrive at conclusions all of the time. And you put them in the form of Bills or regulations or whatever, and they go through the House. The House debated it, dealt with, amended, and presented an issue to this committee. I feel quite confident that the House had confidence in us therefore, by its resolution, to do what was necessary.

I think what's very clear to me today here is that the rules that we are to enforce, we have no mechanism for doing that.

Hon. Mr. Lautermilch: — Just for clarification, could you read the resolution from the House or the motion from the House into the record? Because as I have it, it's to review and for clarification of directive 4 of the communication allowance.

The Chairperson: — Excuse me. I think Mr. Swenson does have the floor.

Hon. Mr. Lautermilch: — Sorry. I just needed clarification.

Mr. Swenson: — And I appreciate that we should listen to that. But if we don't have those mechanisms, and that seems to be what I heard from Mr. Hagel, then I think it's very clear that we have to set a course for ourselves to decide when and where and get on with this. And that we need to set some time frames in place to deal with this because this issue is simply not going to go away, as much as we might like it. And I'm sure there will be other instances arise, and it must be dealt with.

I think my motion is entirely in order given what happened in the House the other day. If members wish to deal with it in some way, that's fine. But I think I will defer to you, Mr. Speaker, and you can read what occurred in the House and we can decide.

The Chairperson: — Well first of all, let me say that I will determine that the motion is in order, even though there may be some . . . procedurally it's in order, I believe. There's no question as to the authority of the board. But it says, to determine whether or not a breach has been made.

But members have asked that the motion that was passed in the legislature be read into the record. The motion says, as amended by the member from Moose Jaw Palliser:

That all the words after the word "That" be deleted and the following substituted therefor:

(That) the Board of Internal Economy be convened at the earliest opportunity to review and clarify directive #4 and the associated guidelines for communications expenditures by members.

That was the motion that the House had agreed on.

Mr. Swenson: — One final point, Mr. Speaker, and it just became apparent to me as we went through the process here. Mr. Martens . . . in other committees of the House, as a member you have the right to go and speak. Because this committee is different, and it's been identified as different, he doesn't. By the same token, a member who may be in violation of one of our directives here, unless he had permission, couldn't come before this board and speak in his own defence.

The Speaker: — No, he couldn't. The board would have to give him permission to do it.

Mr. Swenson: — The board would have to give the member permission. And that isn't appropriate either. We're all equals in this business, some more than others at times, but we are all members. And it would be appropriate that if a member had breached a directive, or at least the question was there, that he should have or she should have the right to at least speak as a peer. And it's not right, what we have here.

Hon. Mr. Lautermilch: — Could I ask the Leader of the Opposition if he would then see voting powers extended to, and speaking powers, extended to all members of the legislature, and perhaps then we should just carry this on in the Chamber with all members present and actively involved?

Mr. Swenson: — Well we do have a process there for that type of thing, and that's that going before the bar, and that is I guess quite a complicated thing. I don't think so. I think what we need to do is just put a guideline in place where particularly a member that perhaps has something in question has the ability to come before this board and speak freely, without having to have a vote or something. There needs to be a mechanism. I didn't realize that members couldn't do that. They have to have some ability to come and explain themselves, because there is a majority here.

Hon. Mr. Lautermilch: — I think one of the points that were raised was with respect to, I guess, the interpretation of directives. And it's been an ongoing problem.

I think this directive has been amended, if I'm right — I haven't got it right before me here — but I think since 1988 it's been amended something in the neighbourhood of four times. And each time it's amended, as I recall, it's been amended because a new issue arises, a new problem comes before the board; we then will amend it to either delete or enhance the directive to suit resolution to the problem.

I guess I was interested today in terms of the Clerk's analysis of the process of scrutiny and how financial services operates as it relates to inquiries by members in terms of communications directive as we're speaking to today. I guess what we need is a workable process to determine resolution to some of these issues, and we've been doing that over a period of years in the Board of Internal Economy here, I guess changing the way we do things.

With respect to the motion that was moved by the Leader of the Opposition and seconded by the Leader of the Third Party, I don't see this to be a workable motion in that I don't think it's doable. It's just not accomplishable.

I would be interested to know how other jurisdictions handle issues that we're dealing with. And I'm talking not only jurisdictions in Canada, but perhaps in North America. There may be similar bodies to this, and I'd like to know how some of these problems are resolved, because I think it's quite clear that there isn't a mechanism here.

What I do see though is a mechanism for an issue to be raised with no resolution — allegations, but no resolution, and no way to settle the dispute. And I find that to be uncomfortable in that I think all of us as members could at one point in time find ourselves where an allegation is made and there's no method to resolve the dispute or to in fact determine whether the allegation is correct or incorrect. And I think it's unfair to members.

So what I would like to see is, and I'm hoping . . . and I'd like to hear members of the board in terms of this, what their feelings would be. I think it would be important that we ask the Clerk to gather some information with respect to how other boards that are put together similar to what this one is, how they function and how they deal with these kinds of issues. I don't think it would take an overly lengthy time.

I don't know what your time frame would be, Gwenn, or when you could put this together, but I think it would be . . . it's important to find out how other jurisdictions function. I'd be interested to know as well, their directives. I mean it's an ongoing thing in this board where members try and comply with directives and have a difficult time either interpreting or understanding.

So I'd like to look at, with respect to the communications directives in other areas, I'd like to look at theirs and I'd like to know what their process of scrutiny is and how they deal with infractions or people acting in contravention to one of a board's directives.

I guess I'm only speaking to the motion to suggest that I think it's not workable at this point and I think we need more information in terms of how we might deal with an issue that would arise of this nature.

Ms. Haverstock: — The question I posed earlier was a very fundamental one to me and that was I asked

where is the authority under which the board has the right to set directives, and the second part of the question was, and enforce them. Am I to assume then that under The Legislative Assembly Act that it is section 50 that talks about that authority to enforce the directives? Because it seems quite confusing for us to have the authority to set directives but that the directives are non-enforceable.

Ms. Ronyk: — Mr. Speaker, Ms. Haverstock, section 50 of The Legislative Assembly Act does empower the board to establish the allowances and to determine and to issue directives; (3) says:

The board may issue directives determining the amount, method of calculation and manner of payment of:

And then it lists all the kinds of allowances that it may establish.

And then in (4), it says:

The board may issue directives prescribing any terms and conditions that it considers appropriate on an allowance determined pursuant to (the preceding subsection) . . .

The section, or any other section of the Act, does not provide for any enforcement or penalty process. I don't know what is the case in other jurisdictions. I assume they haven't addressed it either very well, and this is kind of a new issue that legislatures are having to deal with.

I know that the House of Commons has by-laws of their board just very recently established that deal with contraventions. I assume they flow from the new provisions in their Act, but section 52 of the Parliament of Canada Act says that:

The Board has the exclusive authority to determine whether any previous, current or proposed use by a member of the House of Commons of any funds, goods, services or premises made available to that member for the carrying out of parliamentary functions is or was proper, given the discharge of the parliamentary functions of members of the House of Commons, including whether any such use is or was proper having regard to the intent and purpose of the by-laws made under subsection 52.5(1).

So clearly the Parliament of Canada Act gives their Board of Internal Economy, the House of Commons Board of Internal Economy, the authority to determine whether any particular Act or transaction was a breach. "Any member of the House may apply to the Board for an opinion with respect to any use . . ." of any of the funds; "the Board may issue general opinions" on such a request.

The by-law that flows from that section of the Act that I just read provides that contraventions:

7(1) If a person to whom these by-laws apply contravenes the by-laws

- (a) the Board may give written notice to the Member responsible, requiring the Member to rectify the situation, and
- (b) if the situation is not rectified to the satisfaction of the Board, the Board may order any amount of money to rectify the situation to be withheld from any (future payments to that member) . . .
- (c) if the contravention continues, or if the Board considers it necessary to protect House of Commons funds, the Board may order that any budget, allowance or other payment . . . made available to the Member . . . be frozen . . .

And then it concludes by saying:

(2) Subsection (1) does not affect any other civil remedy that may be available to the Board.

And I don't know what that means, but . . . So there's at least one jurisdiction that I'm aware of that has dealt with this. They have done it recently. But we do not — to answer your question more directly — we do not have statutory provision for the board to enforce, if you like.

The Chairperson: — Mr. Swenson . . . and I am looking at the clock. Some of you had indicated to me when I set this meeting, that you had to leave at 6:30 for another engagement. So I know you indicated quarter to six, but that was at the meeting here. But some of the others had indicated 6:30 you had to leave, so I'll recognize Mr. Swenson, and then I think you're going to have to determine what you want to do.

Mr. Swenson: — Thank you, Mr. Chairman. I appreciated what the Clerk just read to us. I think that was very helpful and it clearly identified that that particular jurisdiction in the House of Commons have identified these things as civil issues. That they prefer to use that process rather than the legal system, which I believe is right, which I identified earlier on.

And the other thing is, I guess in light of the discussion, that really any of these things in our handbook are depending on the goodwill of members I guess, because we clearly identified that material for . . . which solicits donations to a political party or attendance at political functions is a no-no.

And the issue at hand, it's clearly on Legislative Assembly letterhead and, I mean, there's a number of points which I guess I could make over and over again to say that that fitted the not-acceptable portion. But it's sort of clear to me that there's really no way for us at present to rectify this, because we have not passed by-laws to this board which would be similar for instance to the House of Commons.

So therefore in the meantime most members can say take it and put it where the sun doesn't shine and . . .

The Chairperson: — Well not quite. On those issues where they don't have to submit receipts, you're correct. But where they have to submit receipts and it's obviously a contravention of the direction, they wouldn't be paid. The board could determine it that way.

Secondly, Mr. Swenson, I don't think we had authority to put the by-laws. They have the authority in statute. We'd have to change the Act to give us that authority to do so, so that, you know, we don't have that authority — at least I don't think we do. No we don't; I didn't think we did..

Ladies and gentlemen, it's past 6:30. I don't know how you want to deal with this now. I'm in your hands. I know some of you have to leave and . . .

Mr. Swenson: — As a mover of the motion, and the seconder has to agree, I would be willing to table my motion to the next meeting if we as a board can arrive at some resolution when that next meeting might be. I would be willing to do that.

The Chairperson: — Before we put that, Mr. Swenson, could we have very specific instructions as to what the members want the staff to do so that we don't . . . I mean the next little while. I mean the members have to remember that the House is sitting and the staff are constantly at meetings and it's going to be very difficult in a very short period of time to put something together.

Mr. Swenson: — Do you want a motion?

The Chairperson: — Well it doesn't have to be a motion.

Mr. Swenson: — Do you want to make a motion?

The Chairperson: — It doesn't have to be a motion.

Hon. Mr. Lautermilch: — Are you tabling or . . . do you want to table your motion or withdraw it?

Mr. Swenson: — I'd be willing to table my motion providing the seconder agrees.

Hon. Mr. Lautermilch: — Or withdraw it and we can come back another time.

Mr. Swenson: — No, I'd rather leave it there. It gives some stimulation to the subject matter at hand.

Hon. Mr. Lautermilch: — Well I guess I've got a couple of comments to say here and one is that I think it's imperative that we not only deal with enforcement of the directives but I think there is an awful lot of grey area in terms of what's acceptable and what isn't acceptable. And I . . . it's been something that's bothered me and I think members of the Board of Internal Economy for a long, long time — as long as I

sat here, at any rate.

One of the issues is material of a blatantly partisan nature. What is "blatantly partisan"? That's been raised by my colleague. I don't know that anyone around here can define what that is. I guess it may be . . . I don't know — if there's 25 of us here, there's probably be 25 different interpretations and I would suggest that members who have been a member for a period of time, all of us, by someone's interpretation, may have been in contravention of this directive, depending on who interprets it and how you interpret it.

And I think a case could be made for most members of the legislature who have sent any kind of correspondence to any of their constituents . And so I have real difficulty with that. And I mean I have examples from all parties that I guess could be interpreted as being blatantly partisan, from all three of the parties that are represented in this legislature. They're there. I guess blatantly partisan, but by whose interpretation?

So I think what we need to do is . . . and I'm not comfortable. I haven't seen Mr. Swenson's motion in writing and I would rather that we work to the drafting of a motion when we've had some time to put some thought to it and when we can see it in writing. So rather than tabling the motion, I would rather us start with a fresh slate.

But I would suggest that we, as a board, ask Gwenn to bring to us resolutions with respect to communications from other jurisdictions; as well, enforcement. One that you've showed us today deals with the Canada Act and the national government. I think that's been helpful. And I think I would like some time, and I think my colleagues would like some time, to have a look at what they have proposed and what they are dealing with in their Act.

So I guess what I would like to see is a meeting soon. Gwenn, I don't know what your time line is in terms of when you could get this together.

Ms. Ronyk: — It's not only my time but the time of the colleagues that we will be getting the information from from other jurisdictions; we will do it as promptly as we can.

Hon. Mr. Lautermilch: — I would rather not tie you to a time frame, but could we just put such that as soon as you could bring this information together that the Speaker could inform members of the Board, and that we could then call a meeting and discuss what approach we may take?

The Chairperson: — We'll expedite it as quickly as we can. But as Gwenn has said, you know, the session is on here and other jurisdictions are also in session. They're not going to jump to our inquiries immediately. Some may take days to do it, and we can't expect them to just jump to our requests. So we'll do it, we'll expedite it as quickly as we can. But members have to understand it may take a little bit of

time.

We do have a . . . I'm not certain. Would you adjourn your motion? It's the same as tabling; we don't really table in here but adjourning is the same thing. It has the same effect. Well either we have to deal with it now or we adjourn it and then have an adjournment as we do in the legislature.

Mr. Swenson: — Well I don't want to see . . . I mean I guess we could vote the motion down and dispense with it. But I think the issue is there and it needs to be dealt with, and I hope that this board would not see fit to sort of brush it aside.

The Chairperson: — No, but if it's adjourned, it stays on.

Mr. Swenson: — Well okay, I would move to adjourn it.

The Chairperson: — Yes, okay. Adjournment motion is not debatable. We have, moved by Mr. Swenson, seconded by Ms. Haverstock, that the motion before us be adjourned. The question will be put. All those in favour of adjournment, please raise your hands. All those opposed. The motion is defeated.

Mr. Hagel: — Mr. Speaker, I think, at the risk of repeating myself, but as I said before I think we're dealing with an issue . . . The motion that's on the table, I debate that it's appropriate to be considered. However you've ruled that it is.

It's precedent setting. I question whether it's, quite frankly, whether it's within the jurisdiction of the board. But it clearly is precedent setting. Clearly the review of the accusation has not followed the steps, to the best of my knowledge, that have been outlined earlier today as to how a review is done.

And I think by accepting the motion, what the board is establishing is that this is the way of bringing complaints about members' use of allowances. And sorry, I just don't happen to think that that's in the best interest of public trust or expeditious determination of the expenditure of allowances. And so for that reason I oppose the motion.

The Chairperson: — Any further discussion on the motion? All those in favour of the motion, please raise your hands. All those opposed? The motion is defeated.

Now where do we go from here? There are really no other . . . Oh yes, there is; Ms. Haverstock had asked earlier about something in a minute.

Ms. Haverstock: — It would be about a 30-second item, which I'm sure will please everyone.

The Chairperson: — Order, order. I have to ask whether we have . . . Would members permit us to revert back to minutes? Is that agreed? Agreed. Okay, you may proceed.

March 17, 1994

Ms. Haverstock: — Thanks very much, Mr. Chair, and members. March 3 minutes, it's item 10. In reviewing the minutes, item 10 — just for those who know, it's regarding the independent commission — what is reflected in the minutes is not consistent with what was in the verbatim. In the verbatim it indicates that it was agreed that Mr. Lautermilch, Mr. Swenson and Ms. Haverstock would meet as soon as possible to draft a report on this item for the board's consideration. And I thought that perhaps what we should do is amend the minutes to reflect the verbatim.

The Chairperson: — Oh, I see. Okay, we didn't give enough information is what you're saying.

Ms. Haverstock: — Right.

The Chairperson: — Okay, that's fair enough. With that amendment could we accept that amendment to the minutes? It does reflect what happened. All those in favour? Agreed. Carried.

Do we have a motion of adjournment? Moved by Ms. Haverstock. Do we need a seconder?

A Member: — No.

The Chairperson: — Don't need one. All those in favour? See you at the next meeting . . . (inaudible interjection) . . . Do we need one? Okay, Mr. Hagel, you second that adjournment motion, did you?

Mr. Hagel: — You need a seconder for a motion to adjourn . . . (inaudible interjection) . . . Well, I do.

The Chairperson: — I never understand this. Well that's okay.

The committee adjourned at 6:46 p.m.



