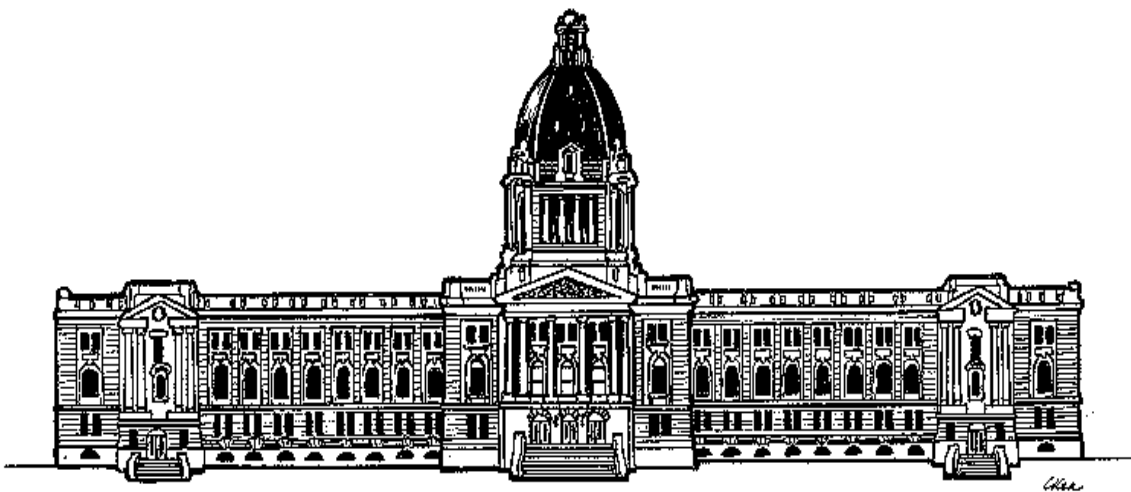




STANDING COMMITTEE ON PRIVILEGES

Hansard Verbatim Report

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Legislative Assembly of Saskatchewan

Twenty-fifth Legislature

**STANDING COMMITTEE ON PRIVILEGES
2005**

Hon. P. Myron Kowalsky, Chair
Prince Albert Carlton

Mr. Bob Bjornerud
Melville-Saltcoats

Mr. Wayne Elhard
Cypress Hills

Mr. Glenn Hagel
Moose Jaw North

Ms. Doreen Hamilton
Regina Wascana Plains

Mr. Lyle Stewart
Thunder Creek

Mr. Kim Trew
Regina Coronation Park

[The committee met at 08:00.]

The Chair: — Well welcome this morning to this meeting. I'm advised that there has not been a meeting of this committee since around 1976, so this is rather timely . . . 1979, '78. The record as stands '78. So this is a rather special meeting and I'm glad we've finally convened.

The members of the committee have been given an agenda. Is there anybody that doesn't have a copy of it before them?

Mr. Morgan: — I'm not sure what you mean by an agenda. I don't think we've . . .

The Chair: — It's along with the notice of meeting. The agenda that we have . . . it is our duty, first of all, to elect a Deputy Chair of committee. I just want to confirm, but the Deputy Chair of the committee usually comes from the opposition side; is that not accurate?

Ms. Ronyk: — Yes, Mr. Speaker, according to the rules, the Deputy Chair on a standing committee has to be an opposition member.

The Chair: — The second item would be for consideration of the order of reference adopted by the Legislative Assembly on April 12, yesterday, which is:

That this Assembly urge the government and Crown corporation officials to respect the rights and privileges of all members of this Assembly by ensuring the official opposition members and their staff are allowed to attend any embargoed news conferences and technical briefings open to members of the news media; and that this matter be referred to the Standing Committee on Privileges; and that this committee table its report in the Assembly no later than Wednesday, April 20, 2005.

The third item of the agenda is to consider a report which will ultimately go to the Legislative Assembly.

So what I would like to do at this time is first of all to ask for adoption of the agenda. Is that approved? Mr. Morgan and Mr. Hagel. All in favour?

Some Hon. Members: — Agreed.

The Chair: — Any opposed? Motion is carried.

Proceed to item 1, election of Deputy Chair of committee. Mr. Stewart.

Mr. Stewart: — I'd like to nominate Mr. Morgan.

The Chair: — Mr. Morgan has been nominated and motion to . . . just a minute now. He's nominated. Are there any further nominations? Nominated by Mr. Stewart.

Being no further nominations, move nominations would be closed. Therefore, Mr. Morgan has been elected as Deputy Chair of the committee.

Mr. Hagel: — You had a very successful campaign there.

The Chair: — Item 2. The item has been referred to us. The floor is open. Mr. Morgan.

Mr. Morgan: — Mr. Speaker, yesterday the Assembly unanimously passed a motion stating that the opposition members and staff are allowed to attend any embargoed news conferences and technical briefings open to members of the news media. The direction provided by the wording of this motion is very clear. The job of this committee therefore is to issue a report that ensures that the direction of the Assembly is followed.

Many people who are not members of the Assembly do not fully understand the concept of parliamentary privilege. They may not understand that persons who are not members can breach parliamentary privilege and that any breach of parliamentary privilege is a serious matter and constitutes contempt of the Assembly.

These principles are clearly described in the book, *Parliamentary Privilege in Canada*, by Joseph Maingot. On page 14, Maingot describes contempt as follows:

Contempt of Parliament may be more aptly described as an offence against the authority of the House.

. . . when by some act or word a person disobeys or is openly disrespectful of the authority of the House . . . or . . . [its] lawful commands, that person is subject to being held in contempt of the House . . . Such actions, though often called "breaches of privilege," should more properly be considered "contempts."

On page 193, the author indicates that persons who are not members can commit contempt:

The penal jurisdiction of the House is not confined to its own Members. Nor is it confined to offences committed in the immediate presence of the House by its Members; it is extended to all contempts of the House, whether committed by a Member or by persons who are not Members and whether or not the offence constituting the contempt was committed within the House or beyond its walls.

Page no. 240, Maingot outlines the contempt of the House as a serious matter:

Obstructing, interfering with, or preventing execution or orders of the House or of a committee would be akin to aiding and abetting a person to commit an offence. Taking action to prevent an order of the House from being carried out could result in contempt because it also represents an affront to the authority of the House.

Again I would emphasize that the direction provided by the Assembly is very clear. Opposition members and staff are entitled to attend any news conference and technical briefing open to members of the news media. It therefore follows that any action by any person or persons to prohibit opposition

members or staff from attending a technical briefing or news conference constitutes a contempt of the Assembly.

In order to make this perfectly clear, I therefore move our report to the Assembly contain the following wording, and I'll read the wording. I move:

That the committee recommend the following: (1) that official opposition members and staff be allowed to attend all news conferences and technical briefings that are open to members of the news media and that deal with matters to be considered by the Assembly; and, (2) that any person or persons who act to prohibit official opposition members and staff from attending any such news conferences or technical briefings shall be considered in contempt of the Assembly.

Mr. Speaker, I so move. And when you come back and you have a look at the matters that are before us in item no. 2 of the agenda, there is actually three parts to that.

The first part is that the Assembly urge all members and Crown officials to respect the rights and privileges; the second one is that the matter be referred; and third, that the committee refer back.

So those are the three items that are on the agenda, and it's not a matter for us to debate those items. Those are the terms of reference that were given to us. It is our role to try and ensure that those items are dealt with, and it's not our duty to question. Or, it's our duty to determine the method, how those things are implemented.

Mr. Speaker, I believe Mr. Bjornerud is the seconder for that motion.

The Chair: — Perhaps we could get a copy of that motion so we could . . . I'll just read the motion that's been presented.

It has been moved by Mr. Morgan of the constituency of Saskatoon Southeast:

That the committee recommend the following: (1) that official opposition members and staff be allowed to attend all news conferences and technical briefings that are open to members of the news media and deal with matters to be considered by the Assembly; and (2) that any person or persons who act to prohibit official opposition members and staff from attending any such news conferences or technical briefings shall be considered in contempt of the Assembly.

The floor is open for discussion. The Chair recognizes Ms. Hamilton.

Ms. Hamilton: — Well, Mr. Chair, I disagree with the idea that the exact wording . . . And I am sure the opposition are now saying that the exact wording of what was referred by the House would be then considered and referred back since they have the motion before us. And I'm thinking that the intent of what was referred to us is to say that we would want members of the House to be briefed before their approaches to questions and they would want time to be able to answer to the media or

the public on the issues that have been presented before them.

So I'm looking at the proposed motion and thinking that no. (1) really does need to be amended to recommend that all members — all members, ourselves included as private members and perhaps other cabinet ministers — who want to attend technical briefings, be allowed to do so. So I would think that the Standing Committee on Privileges would recommend that technical briefings are made available to all members of the Legislative Assembly in advance of any media briefings. I think that the intent is that all members would be briefed beforehand, and I'd be prepared to make that as an amendment.

Mr. Morgan: — Mr. Speaker, I want to raise a point of order on that.

The Chair: — Can we just wait one moment here. Could you . . . if you're making a motion, I'd like to have that motion down. I'll just give you a minute to write it out, and then I'll entertain the point of order.

Ms. Hamilton: — Okay. I would move that no. (1) be replaced with the following:

That Standing Committee on Privileges recommends technical briefings be made available to all members — all members — of the Legislative Assembly in advance of any media briefings.

Mr. Morgan: — Mr. Speaker, the point of order that we want to make, is what the member is suggesting is something that's different than what was our direction from the House.

If the member wants that to happen in addition to what's in our mandate, I don't have a problem with that as something that's done in addition to it. But to substitute our fundamental mandate of this committee for something that is not our mandate is not appropriate and would ask the Speaker to rule it out of order.

Our mandate is very clear. The motions were debated upstairs in the Assembly; they were amended and re-amended. And I don't think the members now can sit opposite and say, we want to take the very, the very subject matter that we're here and substitute it with something else.

I don't take any issue with having a separate technical briefing for all members, in addition to the media briefing that is there, but what we . . . the matter was referred to us as stated in there, and I'll read it again:

That this Assembly urge government and Crown officials to respect the rights and privileges of all members of this Assembly by ensuring that official opposition members and their staff are allowed to attend any embargoed news conferences and technical briefings open to members of the news media.

Mr. Speaker, it's outside of the mandate of this committee to do anything but look at that, and would be inappropriate for us to consider or entertain any motion that would deviate from that.

The Speaker: — To the point of order, Mr. Trew.

Mr. Trew: — To the point of order, yes, thank you, Mr. Speaker. I'm surprised at the point of order in that, this House, our legislature, has a long history of the legislative body, the legislature main, making referrals of issues to committees. We do it through various standing committees and have nearly a century of history. I'm not sure how close to 1905 it reaches but certainly for many, many years, the Legislative Assembly refers issues, matters, specific matters, to standing committees of which this is one, the Standing Committee on Privileges.

I simply point out, more to opposition members and I guess for all of us to know, if it were being decided in the Chamber the other day, we would have simply said here's what it is and used our government majority and forced it and voted it that way.

Instead we went to the standing committee which is three, three and chaired by you, Mr. Speaker, where we clearly do not enjoy that option of using our majority vote.

I'm not going to speak to the motion. I'm speaking simply to the narrow issue. I look forward to an opportunity to speak to the motion once we're on to that. Thank you.

The Chair: — Members, I think it's sufficient. The wording of the mandate is before us. However, the interpretation that any particular person puts on that wording is really up to the members themselves. So I cannot consider the point of order well taken, and I think we should just proceed with the debate.

Now we have before us an amendment to a main motion and the floor is open. Mr. Trew.

Mr. Trew: — Thank you for this opportunity to speak, of course in support of our amendment. What is at stake here, I think, is members of the Legislative Assembly's opportunity to enjoy their privilege, if you like, of being informed and having the opportunity to consider matters prior to the public. And the media are part of that public. What's at issue started with technical briefings, and I think that's what this is intended to deal with, is technical briefings. Now for the government's, if I can put it that way, because the government members have put forward this amendment that exceeds, I think, what is being asked for, in that we're saying opposition members — well not just opposition — all members will be first, but clearly including opposition members to be first in the technical briefings before any issue goes to the public. And it'll be real interesting to hear how that's in any way inappropriate. Thank you.

The Chair: — Mr. Morgan.

Mr. Morgan: — We don't have any issue with when the members receive additional information. The mandate of this committee simply is to deal with the technical briefings by the media. Nothing more. If you read the motion that was passed in the House, and for my learned friend to try and argue something that was different or whatever else they're trying to put a different spin on it, isn't something that's properly before this committee. It was well debated. We spent virtually an entire day with amendments, sub-amendments, and this is what was passed. This is the direction that was given to this committee.

Ms. Hamilton: — Are you challenging the Chair, Mr. Morgan?

The Chair has just made the deliberation that what's before the committee is to be discussed.

Mr. Morgan: — Well what we're talking about is clearly what's there, and what we should be discussing, and what all members of this committee should be discussing is simply how we ensure that that motion is in force. And the things that we might want to be discussing . . .

Ms. Hamilton: — The Chair doesn't know if that would be considered as before the committee. Now I'm wondering if you're challenging the Chair because you said that this matter is referred . . .

Mr. Morgan: — We haven't . . .

The Chair: — Order.

Mr. Morgan: — . . . We haven't voted on the motion or on the amendment to the motion.

The Chair: — I would just ask members to not interrupt each other and wait until they're recognized before any further debate takes place. The floor is Mr. Morgan's.

Mr. Morgan: — We have before us a motion and an amendment by the government members. And the motion by the government members is one that virtually substitutes what we are supposed to do. What we should be discussing here is the technicalities of how we deal with . . . dealing with what the House has directed us to do which is to ensure that official opposition members and staff be allowed to attend those meetings.

Some of the things that might be appropriate to discuss would be what the seating arrangements are in those rooms, if the opposition members would be entitled to ask questions, if they would be entitled to ask questions before or after the media, how they would ensure that you know when . . . how the documents are distributed, etc., and a variety of things dealing with how their attendance at those meetings that are there.

The issue is not to discuss whether the official opposition members are entitled to attend, clearly they are entitled to attend. And the purpose of this committee is simply to discuss the mechanics or the methodology, and to ensure that the rights of the media are respected.

You know I could understand the government members concern that perhaps the presence of opposition members may prevent their ability to ask questions or something. So those are the type of things that I think the government members on this committee should be discussing and should be putting forth their position on how the implementation is.

I'm not here to debate whether or not the opposition members can debate. I debated that upstairs, and I debated that upstairs at some length, and obviously with some considerable success because when one looks at the motion and the reference that came down, that's what we're here to deal with. And frankly, Mr. Speaker, I don't think any of the members should be here to deal with anything else other than what the terms of reference were that came down from the Assembly.

You know, if they want to make some additional recommendations, that there be a separate briefing for MLAs [Member of the Legislative Assembly]. We're prepared to have that discussion as well. But you know we've got a very limited timeline. We're expected to report back within one week and I think we should roll up our sleeves, get to work and say, what issues are there for the media?

Perhaps we want to canvass some members of the media and say, how do you think it's appropriate? Is it a problem when an opposition member asks a question at a technical briefing? How would you like the seating? Do you like the methodology of the slide shows? Are the rooms big enough? Is the material appropriate that's being handed out? So that's what we're here to debate and to make a report on.

And I think what we should see from the government members is productive contributions to that issue. I mean they . . . to sit back now and want to try and amend what the terms of reference or the mandate from this committee on . . . is just not on, Mr. Speaker.

The Chair: — The Chair recognizes Mr. Hagel.

Mr. Hagel: — Thanks, Mr. Chair. Speaking to the amended motion, I first of all want to put our discussion here I think into the context of — appropriately, as has been introduced by Mr. Morgan — the context of parliamentary privilege. I think it is a principle that has been longstanding and important to members, all members on both sides of the House, that there is the expectation that before matters come to the House that the House should ought to be . . . either the House or the members should ought to be the first recipients of specific information that's coming to the House.

Now here we're focusing on the matter of technical briefings. It's not an uncommon matter to have a point of privilege come to the House. That happens regularly, and it is the usual course of events — in my time in the legislature — that any time a matter has come to the House and been ruled by the Speaker as having a prima facie case and then been dealt with by the House, that the House has provided its specific remedy in the House. That's where the decision was made.

This is different in that the House has chosen to refer the subject to this committee. And as you have already ruled, Mr. Speaker, I note that . . . and as, I would argue, as the House chose not to make a specific remedy but to refer it to the committee, it therefore refers the subject to committee for the committee to deal with and then bring back a recommendation to the House. We are here to serve the objectives. And in that context I without question do respect the importance of the right of the opposition members to receive the technical briefings — I would argue prior to the media.

It is also important I think, Mr. Speaker, that that not be seen to be a privilege that applies only to opposition members. Clearly to opposition members, yes, but also I would argue to government private members I think it can be very important. But there's also two other categories which don't current . . . which are not currently part of our House right now to whom it is equally important, and that would be if there is a third party, which is the usual course of events in Saskatchewan — isn't

right now — or if they're independent members. Then surely the privileges for information from technical briefings applies not only . . . yes, to the odd members of the opposition, but not only to the members of the opposition, to government members, to third party members, and to independent members of the House.

And so as we're bringing a recommendation back to the legislature respecting privilege of members it, from my point of view, it must include when we say all members, it must include all categories, including official opposition, which initiated the motion in the House and the one that was referred to us here. It is my view that it is . . . Although I recognize that the issue is a concern that the media would receive a technical briefing possibly before members, it is my view that the more appropriate course of action is that actually members should receive, should be the first recipients of the technical information. And therefore, in advance . . . And that the appropriate course of action would be that the technical briefings are made available to all members — all members — before they are made available, before they are presented to media.

And that's really the intent as I would understand it, the directive of the amendment that we have before us. So it's for that reason that I speak in favour of the amendment. I realize that in terms of scheduling that would perhaps involve some time complications, but that's not for this committee to worry about. If government is choosing to provide a technical briefing to the media, then it could not choose to provide that technical briefing to the media without, at the same time, choosing to provide that technical briefing to all members prior to presenting it to the media. And I think, Mr. Speaker, that is our most effective way of reflecting the important matter of parliamentary privilege. And therefore I support the amendment.

The Chair: — The Chair recognizes Ms. Hamilton.

Ms. Hamilton: — Thank you, Mr. Chair. I believe in discussion of what has come before the committee that this matter, the matter would be before the committee. And the reason that this matter is put before the Committee on Privilege is that there may be things that, within the Assembly when we're looking at and wanting to achieve the respect and privilege accorded to members that hadn't been considered in the whole Assembly, that can be achieved in a committee format such as this morning.

And with that in mind I'm looking at what the intent of what is before us . . . the matter that is placed before us is a matter of respect and privilege to all members of the Assembly. And I would argue all members — including private members and opposition members — should be afforded the privilege as has I think been the case this week, that before any presentation of material to the public, so to say, in the presentation to media albeit it be on an embargoed basis.

But it could be argued that, when the media has their briefing on the technical matters before them, that they're going to search for members on all sides of the Assembly to be — because they are members of the Assembly — to be aware of the information and to have had a briefing in advance, to be

able to deliberate on that information and reflect with serious consideration the matters that have been placed before them.

With that in mind I seriously believe that this committee should recommend that all members would be included. And I also believe that it's the purview of this committee to say that these technical briefings should be in advance of any presentation to the public, therefore in advance of media presentation, I believe that as a private member — whether it would be on government side or opposition side — I'd want to have that information to be able to look at it and to contemplate it, to be able to ask my own questions without the public view at first because it's very new information to me and to other members. And that's why I placed the amendment before committee.

The Chair: — The Chair recognizes Mr. Morgan.

Mr. Morgan: — Okay, I've heard the members opposite. They talk in terms of . . . they actually raise three issues. One, that all members should be entitled to a technical briefing. It's not part of our mandate to determine whether other members are entitled to it. We don't have independent members in the House; it wasn't discussed in the Assembly.

If they want to bring a separate application to refer what would happen if there were independent members or government backbenchers or government members that want to attend, that should have been raised upstairs. And frankly, Mr. Speaker, had they raised it upstairs I likely would have supported . . . something that I'm sure nobody considered. But frankly that's not something that's before us.

They also raise the issue of whether there should be a technical briefing available to members prior to the media briefing. Well once again that's something that's not before this committee and probably something that I would support as well.

The real issue that is before this committee is quite simply the motion that was referred from the Assembly and that deals with opposition members attending news conferences and technical briefing, and that's what we're here to discuss.

I heard the member refer to signing an embargo agreement, and that is probably the only appropriate point that was raised by the government members. And I think that's probably something that should come back as part of our report . . . is that attendance by opposition members or their staff would be subject to them signing the same type of embargo agreement that members of the media would have to.

It's certainly a fair point, a valid point, and I'm pleased as an opposition member that breach of embargo agreements has never been a factor in the past. But nonetheless it's something that it's very appropriate for the government members to raise. It's part of the mandate of this committee to determine whether an embargo agreement should be signed, and it would be the position of the opposition that we would be supportive of signing an embargo agreement. We would expect that they would be the same type of embargo agreement that has been used in the past and the same type that has been signed by the media.

Now the members on the government side have raised that

point. And if there are deficiencies or inadequacies in the current form of embargo agreement, we would certainly be willing to have discussion as to whether those should be amended or whether those should be broadened or somehow whether there's a specific problem with the embargo agreement. But to respond specifically, we think it's a valid point, and we are certainly supportive of any requirements to sign an embargo agreement. And, Mr. Speaker, that falls within the, within the mandate that we are here to discuss. So in response to that point made by the hon. Members, we are supportive.

The other points are outside of the mandate of this committee, and we may want to have informal discussions about additional briefings or anything else, but right now we're talking about technical briefings for the media, and that's what's before us. If the government members have other issues dealing with how many members would go or how the seating would be there, we'd be prepared to entertain that discussion as well. But right now our focus is and should be only on the points that are properly before us.

The Chair: — The Chair recognizes Mr. Hagel.

Mr. Hagel: — I, just in response to Mr. Morgan's comments, I do appreciate, I think we are of a similar mind that it is acceptable to all of . . . well all of the members who have spoken anyhow, that the briefings should be made available to all members. I understand Mr. Morgan holds the view that that's not the issue before the committee, but I think I heard, I heard you say Don, that you find that to be an acceptable principle of respecting privileges of members.

It is, I think also in some ways it is a clear expression of that principle. If the briefings made available to the members of the House are in advance of the media, then there is a clear . . . I mean that is a clear expression of the principle that members should be the first . . . the information should be made available to the members first. And I simply point out, Mr. Speaker, that the matter of whether the amendment is in order or not is not questioned. That it is before us, it has been accepted. By accepting the amendment, we have accepted that yes, the expression of concern that is referred is before us, but it's not limited only to that and that we're dealing with that subject in terms of assuring, respectfully, privileges of all members. And so I think we have already had a ruling that we're not here just to deal with the precise wording that was referred to us, but we're dealing with that subject and are dealing with that . . .

The Chair: — Order. I just ask members not to bring the ruling to the debate. The ruling . . . But just for clarification, the ruling was that any interpretation is debatable.

Mr. Hagel: — Is the amendment on the floor then, Mr. Chair, because I have spoken to the amendment . . .

The Chair: — Yes, the amendment is on the floor.

Mr. Hagel: — Yes, okay.

The Chair: — The debate is not limited.

Mr. Hagel: — Yes, okay. So I'll stop there.

The Chair: — The Chair then recognizes Mr. Stewart.

Mr. Stewart: — Thank you, Mr. Speaker. I understand that Mr. Morgan would like to argue the same point that I wanted to bring up, and so I'll defer to Mr. Morgan.

The Chair: — Then the Chair recognizes Mr. Morgan.

Mr. Morgan: — Mr. Speaker, I'm not sure at what point in this debate or discussion . . . I don't want to limit the flexibility that you're trying to put forward. When we do vote, we will have two votes. One will be on the amendment, and one will be on the motion as put forward by the members on this side.

And I think it's abundantly clear, Mr. Speaker, that the vote is going to be 3-3 with regard to the amendment, which puts the Speaker in the position of making a tiebreaking . . . or casting a tie vote, and would like to speak briefly to what your obligations are with regard to that.

And I think by tradition . . . And as you are well aware from the issues when we were in the House and the House was very close to equal. And we had discussions with you, and you had to break ties on several occasions. And the tradition in past has been that the Speaker would always vote in favour of the status quo.

And, Mr. Speaker, it is our position and our respectful submission that the status quo is the motion that was passed by the Assembly and is the terms of reference that came down. And it would be our position that you are bound to vote against any motion that would change the status quo, and the amendment put forward by Ms. Hamilton certainly changes the fundamental mandate that's put forward.

So we would take the position, Mr. Speaker, that you are obliged by that tradition and certainly have in the past . . . and we respect what you've done in the past. But your position would be to support our motion as put forward and to vote against the amendment made by the government members, and would think that you are bound by that tradition.

Now I've made those representations, Mr. Speaker, but I don't want to say that that would be the end of whatever debate or discussion because it could very well be that there are significant other factors that members on both sides want to raise as to how we fulfill our mandate in dealing with ensuring that opposition members attend these briefings. And there may be other factors.

We've dealt with the embargo issue, and I think we've come to some agreement on that. And there may be other issues that were there. Other things that may be there are, you know, whether opposition members can speak of those. And I haven't heard the members opposite speak to that point and would certainly welcome any discussion there, wouldn't mind their position as to whether contempt is an appropriate remedy for breach of this privilege or not. And we'd certainly think . . . you know, we'd be prepared to make submissions on that as well.

The Chair: — The Chair recognizes Ms. Hamilton.

Ms. Hamilton: — Well, Mr. Chair, I find this most interesting

that a matter referred to the committee to talk about privilege of members, that members opposite want to stick to a motion, a motion that was referred but the matter, the matter was referred to this committee.

And with that in mind, with good intent to respect all members of the Assembly, be it at some point in time there are independent members, that now the opposition members here present today are arguing that myself, as a private member or an independent member that may sit in the future would not be able to access technical information before it's presented to the public or presented to the media, I find that most interesting that we've now narrowed our view and that, as a member of a Committee of Privileges, I cannot talk about the best way to stay within the matter before us.

The House did not say refer this motion and don't talk about how you can best meet privilege of member. And therefore I'm thinking that, as the Chair is allowing the amendment to come before us, as the Chair has allowed the number one and two put before us from the members opposite, would be totally in the purview of this committee. It's a committee talking about how we come together in a more informal setting to best meet the intent that is put before us. Not to say that the House . . . If the House had made a decision on this resolution and then told us, now tell us how we can put it into force, that would be a different case here.

The second point then, to now talk about status quo. My idea of status quo would be, is there's no change. So we would go back to the Assembly and say that the Speaker is not allowed to change anything by a motion that's before us that you're sticking to as members of the — I'm sorry — that the members of the opposition would be sticking to, and therefore we have nothing before us to discuss because the status quo within the Assembly is no change.

I don't believe that's what my colleagues have asked me here this morning to do. They've asked . . . to say how do we look at the matter that has been brought up to the Assembly, and how we would, as members of a Committee on Privilege, for members — for all members — be able to best put this into effect.

Mr. Chair, I believe that as a private member, I want to be included in the matter before us. Mr. Chair, I believe that as an independent member, if I so chose to sit in that manner, or anyone who chooses in the Assembly to sit or be elected as an independent member should have the same privilege that the members of the opposition contemplated in the motion before us. And therefore I'd say that we're spending a lot of time trying to narrow our view and say, oh, oh, that's not what's in the motion before us.

Clearly in what's been referred from this Assembly, that this matter be referred to this committee. And it's not the matter of how we enforce what the House put to us as a committee. It's a matter of how we best meet the needs, this respect, the privilege of all members — all members — of the Assembly.

With that in mind I have placed the amendment before us. I would be certainly willing to entertain a new no. 2 that also includes that all members be subject to an embargo agreement. I

believe what I've contemplated this morning has been put into place this week and is working very, very well for members, all members, of the Assembly. And so that's what I'd be willing to add as a further amendment.

But in speaking to the one that's before me, I think the matter is truly, the matter is truly before this committee, and that I think it's very inappropriate for now someone from the opposition members to tell the Chair how he can or cannot vote on this matter that's before us because status quo means there would be no change, and therefore we have nothing to discuss this morning. Thank you.

The Chair: — I just wish to advise members that we can continue debating, but the Chair will adjourn the meeting at 9. Mr. Morgan.

Mr. Morgan: — Mr. Speaker, it's quite simply the status quo is the motion that came down from the Assembly. The status quo doesn't refer to anything else. The status quo is what's before us and to amend the status quo is something the Speaker would be deviating from what was sent.

So I think, Mr. Speaker, with respect to the member opposite what we have, our mandate is very clear. It was debated for a day and a half on the floor of the Assembly. The motion that we have from them is actually a government motion, it wasn't an amendment that was put forward by the opposition. But I don't think it really matters a lot, it was a government motion that was put forward. It was supported by all members of the House after a day and a half of debate.

And for a handful of government members to come down here now and say we want to limit this, we want to do something different, we want to talk about another kind of briefing and . . . If they want to talk about another kind of briefing informally or raise something they want to do additionally, that's fine. But what we're here to talk about is the member . . . is the motion that came down from upstairs.

The member opposite talked about the issue of private members or independent members. Well the status in the House upstairs right now is we have a government party and an . . . [inaudible] . . . we don't have independent members and maybe that's something they want to make a recommendation. Maybe it's something we . . . [inaudible] . . . but it's not within the purview of this committee to deal with that. And frankly I agree with that, with the position that I would want to see all members have the same rights, but it's not something that we were charged with by the Assembly. The Assembly very clearly charged us with that. It was the government motion, we supported it, and that's what we're here to talk about.

The only thing we've done productive so far, Mr. Speaker, is we've talked about an embargo. And if there's other points that those members want to raise, we'd be glad to hear them with regard to that motion as directed by the Assembly.

I understand, Mr. Speaker, that we're running out of time so we'll have other . . . you know we'll have to meet on another date and, Mr. Speaker, as opposition party to try to be productive and put forward constructive alternatives.

We will likely have discussions with media members in the meantime to determine what they think would be appropriate to ensure that the attendance by opposition members doesn't impede their ability to have access to information. We've talked about privileges being the right of the members, but also the purpose of the technical briefings is the right of the media which is, in reality, the right of the public and the very constituents that we serve. So we would want to ensure that our deliberations on this motion don't impede the right of the media or, in effect, the right of the public to have full and complete access to information as it's being made public. So certainly that should be one of the things that is at forefront in our discussions, is ensuring that the media access is not limited in any way by this. And we'd certainly welcome comments or suggestions from the government members on that.

But it's not . . . I have no intention of debating other issues that are outside of the mandate. This is a committee that has not met for over a quarter of a century and when it does meet, it meets on, either very seldom and on very narrow points of privileges as directed. The points that were there were well thrashed out upstairs. It's not within our purview to try and limit them to . . . There was a series of amendments and more back and forth between and behind-the-rail discussions than I have seen in my limited time as a member. And it's certainly not up to me to challenge the other 57 members upstairs that went and dealt with this on a unanimous basis, Mr. Speaker. Far be it from me, or the members here, to sit and say we're going to challenge the other 57.

The Speaker: — The Chair recognizes Mr. Trew.

Mr. Trew: — Thank you, Mr. Chair. I'm going to start with the media technical briefings and embargoed news conferences, and the purpose of them as I understand it.

Briefings, technical briefings, have become increasingly a common practice throughout parliamentary democracies in an attempt by governments in many, many jurisdictions, government administrations, to have the media as well-informed as possible on the technical aspects of issues that are coming to the forefront. The idea of that is the better informed the media can be on an issue, the better the reporting — the more accurate, presumably — the reporting would be to the general public because the media have a very important job of disseminating information.

That's where the technical briefings and embargoed news conferences have originated. And I think part of that is, as historically we've gone from, you know, weekly newspapers — dailies in the cities, but weeklies for most of the rest of the province — to television and radio that can be updated literally by the, certainly by the hour, but even more often than that. So the technical briefings were to provide background so that you could get accurate and informed reporting when issues are released.

I think what the job of this committee, the referral . . . And it clearly referred the matter of opposition members, of members' right to attend to get information and technical briefings and embargoed news conferences. And it's clear that it's this matter be referred to the standing committee — the whole matter.

From my perspective what our job is, is simply to make sure that opposition members, presumably staff, have access to that information. And what we've come up with is an opportunity for opposition members and staff to get that information, in recognizing the British parliamentary system of members having first opportunity at information, members discussing things before the general public get it.

We're elected, the general public elect us. And when I say us, I mean opposition members, I mean occasionally independent members, but certainly third party members. The public will elect who they will.

Our job is to today, the Committee on Privileges, is to make sure to the best of our ability that democracy is well served and that all members are well served with information in an appropriate and timely fashion. Now for anybody to argue that being first in a technical briefing is somehow less than satisfactory, I will be most interested in hearing how that argument can wash.

First isn't good enough for the opposition? How absurd. I mean, how ridiculous. Just stop and think, first to get the technical briefing isn't good enough? I think I'll leave it there for the day, Mr. Chair.

The Chair: — It being very close to the hour of 9 o'clock, I don't think we were able to come to a conclusion for the entire meeting, so I would at this time just advise that I would likely be trying to ask for a meeting on Wednesday morning. It's the earliest opportunity I think we're going to have because we do have to report by Wednesday afternoon. However if members . . . if we're able to find a spot before then, then we'll do that. But I'll do that in consultation with the members of the committee, in reminding members we may need a substitution again.

So I thank members for their attendance. And the committee stands adjourned until notice of next meeting.

[The committee adjourned at 09:01.]