



STANDING COMMITTEE ON PRIVILEGES

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**STANDING COMMITTEE ON PRIVILEGES
2005**

Hon. P. Myron Kowalsky, Chair
Prince Albert Carlton

Mr. Bob Bjornerud, Deputy Chair
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 09:30.]

The Chair: — Well good morning, everyone. I will call this meeting to order. The agenda is being distributed, but before we proceed with the agenda items, I would advise members of two things. First of all, Mr. Yates is substituting in for Mr. Hagel.

And secondly, that last meeting we had an election of Deputy Chair. Mr. Morgan was elected as Deputy Chair; however we've established that Mr. Morgan's not eligible to be Deputy Chair because he has been substituted in so that election has been declared invalid. So the first item that we should proceed with is an election of a Deputy Chair.

Mr. Morgan: — Mr. Speaker, this is one of my shortest tenures in elected office, but under the circumstances I'd like to nominate Mr. Bjornerud.

The Chair: — Mr. Morgan has nominated Mr. Bjornerud. Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair, I nominate Mr. Elhard.

The Chair: — Mr. Elhard will you accept the nomination?

Mr. Elhard: — Mr. Chairman, for reasons of a personal nature, I would decline that nomination.

The Chair: — Mr. Bjornerud will you accept the position?

Mr. Bjornerud: — Certainly will, now that they don't want me, yes.

The Chair: — We have a nomination of Mr. Bjornerud. Are there any further nominations? There being no further nominations, I will declare nominations ceased. Therefore we have elected Mr. Bjornerud as the Vice-Chair of this committee.

The agenda items have been distributed before you. Resumption of consideration of the motion moved by Mr. Morgan and the amendment moved by Ms. Hamilton and a continuation of the consideration of the order of reference to us. The Chair recognizes Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair. I'd like to, not having been here the other day, I'd just like to clearly understand where we're at. As I understand the concern raised by members of the opposition as a prima facie case, you were concerned about the fact that members of the legislature were not being briefed prior to members of the media, so the issue becoming public.

And looking at the guidelines or guidance that's put forward by the National Library of Canada which is dealing with this issue, very clearly it says in direction:

Technical briefings on government legislation are often offered as part of the legislative process following introduction of bills. Such briefings should be organized by the Minister's office, and should always be offered to all party caucuses at the same time and before or

concurrently with media briefings.

So, Mr. Chair, the issue brought before us in the House and now before the Committee of Privileges deals with the issue of members having the right to knowledge prior to the public. And the position put forward by Ms. Hamilton that in fact briefings be done before the media, actually is a situation that is better than having it done at the same time because we in fact would know before the media knows, not concurrently but before which gives us a greater privilege than those afforded to the media.

And I think, Mr. Speaker, that — or, Mr. Chair, pardon me — that not only deals with the issue that was brought before us in the Assembly, deals with the issue of the prima facie case that was brought by the opposition and in fact allows us as members to be briefed and ask our questions from both a technical and, I guess for that matter, a political basis within the confines of those of us who are politicians . . . but also leaves the media then not to feel pressured in any way when they're briefed and that they can ask their questions without concern for whatever motive I might have or one of the members opposite might have in why they're asking that question.

And it gives us full opportunity to ask any questions we want in our own briefings and gives full freedom of the media, without any concern whatsoever about what position any political party may have on the issue, for them to have a briefing that from the point of view of, I would think, of themselves — and I guess I shouldn't be putting myself in their hands — but with no concern whatsoever what our opinion is of it because . . . making their own judgments without any reaction from us.

And I think that is the best situation for us all. I really believe it gives us first option as members of the legislature, and in no way then does our presence impede or influence or in any way affect the position that the media . . . who are independent and are there to bring forward the information as they see it. It's not influenced by us, as politicians, in that forum and I think that's a . . . both we and they win in that scenario.

And so I'm a little bit playing catch-up here, but I'd like some explanation as to where we are and why there is at this point a difference of opinion.

The Chair: — The Chair recognizes Mr. Morgan.

Mr. Morgan: — Mr. Speaker, the issue is the same as it was before. The member opposite has raised a number of valid points, and actually to be frank none that I disagree with, that members should be allowed access to officials and the timing of that. But that has nothing to do with the purpose of this committee.

This committee was charged with a relatively narrow resolution from the House, and that deals with the right of MLAs [Member of the Legislative Assembly] to attend technical briefings for the media. And certainly he makes a valid point that there should be availability of technical officials so that they don't interfere with the media briefing.

Our position is and will continue to be that all MLAs should be

entitled to attend technical briefings by the media. There may be points of whether we should be allowed to ask questions or participate, and I would probably be inclined to think not. But what we are charged with by the motion from the legislature is 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. That's what we're here to do.

Mr. Speaker, this is a committee that has not met in a quarter of a century or more. What we are doing is creating some legislative jurisprudence, and I think it would not behoove this committee or the Speaker to now say that we are changing the mandate of this committee. The things that we are saying and debating are reported in *Hansard*, and the deliberations and the decisions that are made will no doubt find their way into the Internet and into various textbooks. And I think when a committee is charged with a specific role, a specific assignment from the legislature, you're duty bound to follow that role.

For us to sit down now and do this would be no different than for us to sit back and say, well gee, we'd like to consider the salaries of constituency assistants. Well important things to consider — may agree with them, may not — but not within the purview of this committee.

This committee is charged with a resolution that was debated and debated extensively in the legislature, and that committee — our committee — is charged with the referral of that motion and, you know, I can read from it, again, once again:

... 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].

Now the matter is to be referred to a committee, and what we should be discussing, Mr. Speaker, with greatest respect to the members opposite, is how we facilitate that. Where do we sit in the room? Do we have to sign an embargo agreement? Are we entitled to ask questions before, during, after, or not at all? How many members would be entitled to go, how many staff members would we go? If they want to broaden it and deal with other members other than official opposition members, that too is outside of the purview of the committee, but I certainly am not opposed to that kind of thing.

But to now sit back and decide if we are entitled to attend isn't on this, isn't on the table for this committee to discuss, and is not something that the members on this side of the committee are prepared to discuss, nor will they discuss it. It's not something we are charged with doing, and we're not prepared to amend our mandate beyond what we were given by the 58 people upstairs. And I want to point out and remind the members opposite. That was unanimously passed by all members that were present that day, so it's not within our ability or our competence to try and amend that mandate that was given to us.

So if the members opposite want to discuss how we deal with it, we're there for that. If they want to shift gears and talk about something else, then we have nothing to say.

The Chair: — The Chair recognizes Ms. Hamilton.

Ms. Hamilton: — Thank you, Mr. Chair. Well I'm very interested and curious to understand where the member opposite is coming from in this way. That the first agenda circulated to this committee was that this matter, the matter be referred to the committee because the full House felt it was a time when we're talking privilege which is very serious and should come to some resolve by all members of the committee, that they charged this committee with responsibility to consider the matter and bring forward a good resolve.

And as the member opposite just mentioned, the serious nature is we set privilege that will be recorded within our rules of privilege and for precedent setting purposes. And I believe then the House felt that was important enough that this committee should take our role seriously and vested in us the discussion that's before the committee on the amendment.

What we're offering, I think, is far in advance of what had come from the House and the House would expect that if we have something that could have the members better informed, that would set a privilege that would be good for all members of the Assembly, not just one party or the other, that they said to us, take this matter and determine what would be best for all members of the Assembly, particularly when you're talking matters of privilege.

Mr. Morgan himself this morning has said that he agrees with what Mr. Yates had put forward in his discussion. And in being thinking individuals who have been charged with the responsibility of privilege because that's what this committee's mandate is about, when a matter is referred to us, we would come to the best resolve that we could for all members, all members — independent members if there were some, third party members, ourselves — to stand the test of time.

And I believe the amendment that's being considered before the committee, perhaps yes, when we're saying that the technical briefings would be the same for all members, it doesn't clearly spell that out. But I think that over time, you'd find that if they were not the same, people would very quickly pick that up. And our government department representatives would prepare the same briefings for all members of the Assembly in advance of the media presentations.

As Member Yates has pointed out, this then doesn't constrain the members to be looking at all kinds of questioning, be it political or of policy or of technical nature. And it does not then constrain the media if they're being taken over by members who want to have more and more and more information and eliminate the amount of time the media would have to ask their own questions and have their own technical briefing so they could approach the parties on their point of view.

So I believe by the nature of the Chair accepting the amendment, that he's taking this matter to be seriously a point of privilege, that it's this committee's responsibility, the members of this committee, to give to the House a resolve that would be good, that would stand the test of time, and would include all members of the Assembly. Thank you.

The Chair: — The Chair recognizes first of all Mr. Trew, then

Mr. Yates, then Mr. Morgan.

Mr. Trew: — Thank you, Mr. Chairman. It's an interesting little dilemma that we've got ourselves into, and I cannot understand how any member of this committee would genuinely believe that this committee was struck to simply rubber stamp the proscription of the Chamber. If the Chamber had everything decided, for heaven sakes what are we doing sitting around here and talking? Why wouldn't we simply have voted that in the Chamber?

I have not seen such an argument since the late '60s and the salt talks and in the Richard Nixon era in the United States when they spent months talking about seating arrangements. And you may recall, even it got as absurd, they were discussing the size and the shape of the table.

Well that's not what this committee's job is about. And I can tell you, Mr. Chairman, from having served in opposition, I would've been more than a little bit offended if the government had told me where I could sit in some embargoed news conference. Or if we were having a briefing, a technical briefing on an issue, no government member is going to tell an opposition member where they can sit. I mean, that's just beyond the pale as I see it.

Mr. Morgan has pointed out that the resolution was debated extensively in the Chamber. Fair enough. And the Chamber wanted the matter, as Ms. Hamilton pointed out, the matter to be discussed and decided in the committee. I'll throw in the point that in the Chamber the government enjoys a simple majority. In this committee the government does not. I think this was an effort of good will on the part of government members to try and reach a satisfactory resolution that would protect all members' right to technical briefings in a timely manner. And by timely I mean before the public, before the public.

What we're proposing with the government side, Ms. Hamilton's amendment to the motion that this committee's dealing with clearly, Mr. Chairman, puts every single member, elected member first, before the public, before the media. And we have this absurd situation where the opposition are arguing that first is not good enough. How can that be? How can first be not good enough? And I've not heard the answer to that.

I understand that opposition would properly be saying, look, we're elected; we're entitled to briefings. I understand that all briefings have not been done to perfection in the past. That's partly why this issue has come up.

But this Committee on Privileges is to protect the privileges of all elected MLAs. I think we're doing the job, and I think that by far the best way we can do it is to support and agree to Ms. Hamilton's amendment which . . . I mean, again I can't help but come back to it. The opposition is absolutely adamant that they'll be tied with the public, with the media, in terms of when you get the technical briefing. Tied. And what Ms. Hamilton has proposed is that opposition will be first. It's beyond me, and I think it's beyond most people, how in the world first is not good enough. Thank you.

Yes, not just opposition, as Ms. Hamilton whispered in my ear,

but all members will be first. And I think that's a very good thing to remember for government private members; you know, we too will be first and I welcome that. Thank you, Mr. Chair.

The Chair: — The speaking order is Yates, Morgan, Bjornerud. The Chair recognizes Mr. Yates.

Mr. Yates: — Thank you very much, Mr. Chair. I want to speak directly to the points raised by my colleague, Mr. Morgan. In looking at the motion that was originally made in the House and its amendment, I can tell you that the word matter was used rather than the word motion deliberately so that the issue of the privilege of members was referred to this committee. And as you have spoken, this committee has met seldom in our history.

But the original motion made within the Chamber dealt with only the rights of opposition members. The issue of privilege is afforded to all members of the Assembly. And anything that we deal with as members of the Assembly should be for all members of the Assembly. It's for that reason that the issue of the motion was not referred, but the matter of privilege was in fact referred to this committee. And the government in doing so — and I was part of those discussions — was so that we wouldn't use our majority in the House to ram something through that in fact didn't deal with the issue.

Our concern is to ensure that members of the Legislative Assembly, regardless of in opposition or in government, do have those fundamental rights to knowledge of information prior to the public. And the position being put forward or the compromise that's being put forward by the government through the amendment is to see that we actually have it first, that all members of the Legislative Assembly have an opportunity to technical briefings — whether they be government, opposition, or potentially third party — at any time have the right to those same technical briefings together and prior to the media.

Members of the government may not want to have their technical briefings with the media. Individual members may not want to have those technical briefings with the media. And our responsibility as a Privileges Committee is to ensure that the members of the Legislative Assembly's privileges are maintained.

So having them jointly may not answer the right . . . meet the needs of all members. Having them beforehand meets privilege criteria. It doesn't have members of the Legislative Assembly asking questions in front of the media. It makes members of the Legislative Assembly perhaps more comfortable. Each individual member has the right to choose their own comfort level, and maybe members wouldn't ask questions in front of members of the media. And privilege in fact is for the members.

And so when we referred this as a government — the matter — to this committee, it was to deal with the issue of getting those briefings prior to or at the same time as was indicated, but the matter not the motion that was put forward that only dealt with opposition members. It would be irresponsible for us as a committee to deal with an issue of fundamental parliamentary privilege only dealing with the members of one side of the Assembly.

And it doesn't mention necessarily third parties. You know we can't make motions dealing with something as fundamental as privilege without looking at the rights of all members. And that's why the issue of the matter was referred to this committee, not the motion. And it was deliberative that the word matter was used, not motion.

And what we have proposed here, as government members, meets every, every issue of parliamentary privilege. In fact it ensures comfort for members. It gives us knowledge of that information prior to the media, and had this been . . . This position meets or exceeds the standards that are put in place by the very situation that put us here.

So I can't understand why there is such a determination that they have to be at the same time as the media or in the same briefing as the media. We'd have the information prior to. It would give the media more comfort in dealing with their jobs or give them . . . It wouldn't allow us in any way as parliamentarians to put pressure on them. And certainly it would make members of the Legislative Assembly in a situation where they didn't have to have each question they would ask on a technical briefing be viewed by the media.

The other thing that's of concern is that if you have 20 or 30 members attending a technical briefing at the same time as the media, members and the media may be restricted in the number of questions they can actually ask which means then you are restricting, you are in fact then restricting the privilege of members because we'd be in competition with the media to ask questions.

And two separate briefings are better for comfort of individuals, and they certainly afford the opportunity that in the parliamentarians' briefing or the legislators' briefing, that we ask our questions, and in the media briefing, the media asks their questions. And we wouldn't be restricting their time then, or they would not be restricting ours. It'd be two separate briefings. Thank you.

The Chair: — The Chair recognizes Mr. Morgan.

Mr. Morgan: — Mr. Speaker, we heard Mr. Trew raise the issue that if he had to argue where he sat at a technical briefing when he was in opposition, that he would find that somehow offensive and somehow upsetting. Well that's exactly what we're here to discuss. I have a list of things that I think we are here to discuss, and that's embargo, where we would seat reporting, the participation, the order of participation, the number of people that are there. And if his issue is where he might sit in it, and he thinks it's somehow beneath his dignity to debate it, how does he feel when we as opposition members might be refused to go to that? It's not acceptable.

And yes, that's what I am here to discuss, is where I might sit. I want to make sure that the media have full, complete, and open access, that my exercising my right as an MLA does not impede their right on behalf of the public to do it. So where we sit, yes, it's an important thing. And however militant he might feel about it and however much it might be below his dignity, that's what we are charged to discuss. And if he is worried about seating to that extent, perhaps there should be another member appointed from the government side to deal with it, that is

willing to discuss that.

The Chair: — Order. Order.

Mr. Morgan: — So that, to me, that is exactly what we are here to deal with. He conceded in that same, in his same remarks that he feels that the media briefings were not to perfection or that the briefing or the technical briefings have not been to perfection. That's why we want to be there. We want to know . . . are they going to be different? Is there going to be different questions asked?

We represent the public the same way as the media does. Of course we want to be there, and of course it is our right and our privilege. Privilege for MLAs is a fundamental right when you are elected. I'm not prepared to lose my rights by virtue of this committee's motion. I have a motion that was passed in the House that says I am entitled to attend all conferences and technical briefings. And until the House takes that away from me, that is my right.

And I assumed when I came to this legislature, when I was elected, that those are the rights that I had, and I'm not prepared to let a committee take it away. If the House chooses to do that, then they do that at their own peril for the next election. They have to account to it. But I'm not prepared to let a committee stand up, of a handful of people, run roughshod over what the legislature has said and a motion that's there . . . and in a motion that frankly should not be there.

The issue of whether we get a separate technical briefing . . . and Mr. Yates makes a valid point of that. Great, that's good, but that's not what we're here to deal with. We have a motion that was passed. We should be discussing that motion, how we do that, and how we do it.

I spent some time on the weekend, made a call to some members of the media. And my sense from talking to them was they felt that the members should ensure that the media get close enough that they are able to ask all of their questions, that they are not intimidated by MLAs that do it. The ones I spoke to, and I didn't speak to very many, and they wanted to remain . . . made their remarks in confidence. The sense that I had was they wanted a room big enough that the MLAs were not in any way impeding their ability to ask questions. And that if the MLAs chose to ask questions after the media had asked all of their questions that was . . . they had no issue one way or the other with that. Comments that I got as well were that if the media signed an embargo agreement so should the MLAs.

And that's what I think we're here to discuss. And if the members opposite are too militant to discuss seating issues and the order that things go in . . . then they may enjoy the humour in that. We frankly don't. This is a fundamental right, and it's one that we're not prepared to see eroded by this. Thank you.

The Chair: — Members, I find that some of the arguments are being repeated, not only twice but in some cases three times already. So I would ask members to keep their comments, address any comments and new issues or new points that they might want to make. And I would like also after the next speaker or two that we would perhaps meet in camera for a moment so that we can consider what our report should say.

The Chair now recognizes Mr. Bjornerud and then followed by Mr. Elhard.

Mr. Bjornerud: — Well Mr. Morgan covered a few of the points I was going to talk about. But I find it somewhat interesting that up in the House, all members that were present voted in favour of the exact motion that we're here to debate today, and as Mr. Morgan said, that doesn't go off into many other areas. It's strictly what they've asked us to deal with. But all members voted. In fact it even went so far as that the government members put an amendment to this motion, and it was all agreed to, to bring it to this Privileges Committee.

So, Mr. Chair, I'm not sure . . . and I agree with what Mr. Morgan had said before, that we're here to deal with the exact motion that is here. And I think we're going all over the place, and we could be here forever if we don't deal with what, exactly what we're charged to deal with.

The Chair: — The Chair recognizes Mr. Elhard.

Mr. Elhard: — Thank you, Mr. Chairman. I have very few and brief comments that I would like to contribute to the argument or the discussion here today. But it would seem to me that the argument being put forward by the members of the government side is the advancing of the principle of separate but equal. And that is a principle that, I would say, that the government members would under no circumstances allow or adhere to in virtually any other discussion.

It is precisely the separate but equal principle that has been found to be unacceptable in our society in terms of race relations for instance. It's been found to be unacceptable in terms of gender relations and circumstances. Separate but equal is not, is not a principle that is accepted in the realm of judicial decision making any more. And so, no matter what the merits of the argument, separate but equal is what is being proposed by the government members.

I would say that there is no precedent that I'm aware of, either historical or legal, that gives the media access to information prior to elected members. But neither is there a legal basis for separation or two separate opportunities to provide information to the media or the members of this legislature.

And I guess thirdly, I'm concerned about the assurances that if in fact two separate briefings were arranged for, that the content of each would be identical. Mr. Chairman, that's not an assurance that can be given. It certainly can't be expected under the circumstances. The information initially provided might be . . . The information that is supposed to be provided or believed to be what is required by the people in attendance might be similar in nature but, depending on where the questions go, you can never be assured that the outcome will be similar in content.

And so for that reason, Mr. Chairman, you know I think the government members' case is inappropriate and inaccurately made in terms of the requirements and the necessities of all members of the legislature and their need to access information.

The Chair: — Thank you. Are there any other points, new points that members might want to bring? If not, what I would like to do is recess into an in camera session, quite likely, if

possible, for about 10 minutes. And then we'd resume to be able to adjourn debate or wherever, or if there is any resolution coming out of the in camera session. Agreed?

An Hon. Member: — Agreed.

Mr. Morgan: — Mr. Speaker, it's not our desire to discuss this in camera. We've . . .

The Chair: — Order. Order. What I wish to do is I wish to discuss in camera what we've been mandated to do, and that is what we should come back with as a report. We must report whether we agree or disagree. But we must report to the Assembly. And that is what I want to consider.

Mr. Morgan: — Mr. Speaker, if you want to do a vote whether we go into camera, we'll take a vote on that.

The Chair: — Fair enough. In order for us to take a vote, I would need a motion. I thought maybe I would have consensus. But if there is not consensus, the failure of anybody to move a motion, we'll simply continue with debate.

I hear no motion. Then debate continues on item 1, or we can call the question. Mr. Trew.

Mr. Trew: — Thank you. I want to point out there was no mention in the debate in the Chamber that I heard about seating. There was no discussion about seating in the debate, nor is there in this motion. I don't care how any of us want to read it. There's no mention of seating in technical briefings. So I mean this is just, just . . . it's not germane to the motion although members clearly have an ability to speak to it.

On the one issue that I heard Mr. Morgan raise a number of times now, I just wish to point out that he's arguing, if I'm understanding, Mr. Morgan is arguing that this committee doesn't have the authority to deal with this matter to change anything from the wording that came through the Chamber. Mr. Chairman, if this committee has not the authority to agree to amendments or resolutions that this committee makes, I submit to you that the members in the broader Chamber will make that abundantly clear when we try and make a report. If we have overstepped our terms of reference in any way at all, members in the broader Chamber I'm sure will be quick to tell us that we've exceeded our directions or our mandate.

And I'm just going to close this part of my participation with . . . I remember back when I was a captain of a hockey team. And I was dog-tired late in the third period, and this was a close game. The referee called an offside, and he went to the faceoff circle. I was centre and I said no, it shouldn't be here. It should be . . . and I pointed back into our end zone for the face off which, anyone that plays hockey knows, that would be a dumb thing for me to argue. The referee smiled and said, well it should be here, but if you want, Kim, we'll move it back there. And then I realized the error of my ways, and I smiled and I said, this is fine.

My caution is, we should ought to be careful what . . . as legislators what we ask for, Mr. Chairman. Thank you.

The Chair: — The Chair recognizes Mr. Bjornerud, then Mr.

Yates.

Mr. Bjornerud: — Mr. Speaker, I think one of the concerns that Mr. Yates had brought forward was that the motion stated that it was members of the official opposition, and he was concerned that they didn't include members on the government side.

With your permission I'd like to move an amendment, seconded by Mr. Elhard:

That the words "official opposition members" be amended from the main motion and "members of the Legislative Assembly" in both places as they appear in the motion.

And that the new item 2 be as follows:

That the technical briefings be made available to all members of the Legislative Assembly in advance of any media briefings and that item 2 in the main motion be renumbered item 3.

The Chair: — Thank you very much. The nature of your amendment would not be in order. We should first of all dispose of the existing amendment and then perhaps entertain another amendment. The only kind of motion I could entertain amending would be to amend the current amendment. The next speaker on the list would be Mr. Yates, then followed by . . .

Mr. Yates: — Thank you very much, Mr. Chair. Well it's interesting that the member opposite's just made my point. We did not vote on the Assembly to refer the specific motion here. We didn't vote in favour of the motion in the Assembly. We simply referred it here. And as I said, the government used the word matter very, very carefully to ensure that in fact the entire issue was referred here. By making your amendment, you're just agreeing that the issue was sent here, not your motion, and that the fact the issue of privilege was sent here. And that's what we're here to discuss as a committee. And by proposing the amendment you just proposed, you agreed to that by virtue of what you're doing.

So the issue before us is truly the issue of privilege which is what we've been saying all along. And having a briefing prior to the media briefing deals with our issue of privilege as members of the Legislative Assembly. And it guarantees members of the Legislative Assembly the opportunity to ask the questions they like in their briefing. But it also guarantees the media, free of interference from members of the Legislative Assembly, open technical briefings, open to the members of the media only so that they don't need to be at all concerned about any, any pressures, concerns, innuendos, or anything made by members of the Legislative Assembly. The briefing would be for them.

And, Mr. Speaker, I think clearly, now that their argument about this motion was referred, when they're prepared to change it to matter, very clearly we should vote on the issue before us.

The Chair: — The Chair recognizes Mr. Morgan.

Mr. Morgan: — Mr. Speaker, the purpose of us coming back

with this as an alternate amendment was, we don't have any great desire to go back to the House to say that we were not able to arrive at something productive or beneficial on this. So if the issue for the members opposite was that it didn't include their members as well, fine. We don't have an issue with an amendment that's a friendly amendment that would support the general issue of what we're trying to achieve, that may choose to broaden that.

But the underlying issue was and always has been attendance at media technical briefings. And I don't want to re-argue where we're at on the thing. Anything that takes away from that is not acceptable to us. If the members opposite want to do something else that's workable, we're amenable to that, so that's why we put this forward. We've put forward, what I think, are pretty clear compelling arguments, and I'm loathe to go back upstairs come Wednesday, being unable to offer something constructive to the members in the House.

The Chair: — The question before us is the amendment to the motion moved by Ms. Hamilton:

That item 1 be replaced with the following:

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

Mr. Morgan: — This is the motion that's in substitution for?

The Chair: — This is the amendment to the motion by Mr. Morgan.

Mr. Morgan: — Okay.

The Chair: — That's right. It is the amendment of Ms. Hamilton to the original motion by Mr. Morgan. Is that clear? Okay.

So we'll take the vote on the amendment by Ms. Hamilton. Those who favour the amendment? I see three hands. Those opposed to the amendment? There being three, the vote has been tied.

On an item as this, the Speaker in the Chair looks at the principle that a decision should be made by a majority of members only. Therefore the Speaker would vote against the amendment, and I declare the amendment lost.

The question before this meeting is the motion moved by Mr. Morgan. Any further debate?

Mr. Trew: — Mr. Chairman, the motion of today, this amendment, is that what we're talking about? Or the . . . No, we're talking about item 1 on the agenda.

The Chair: — We're talking about the motion that is before us on item 1, reprinted on item 1 of the agenda, the one that has been moved by Mr. Morgan.

Mr. Morgan: — Mr. Speaker, you had ruled our earlier amendment out of order because there was an existing amendment on there. We would be quite prepared to move our

alternate amendment at this time.

The Chair: — The Chair recognizes Mr. Bjornerud.

Mr. Bjornerud: — Thank you, Mr. Chair. Then I move the motion, seconded by Mr. Elhard:

That the words “official opposition members” be amended to “the members of the Legislative Assembly” in both places as they appear in the motion; and

That a new item 2 be added as follows:

That technical briefings be made available to all members of the Legislative Assembly in advance of any media briefings; and

That item 2 in the main motion be renumbered as item 3.

The Chair: — Do you have that written out, please? Just for clarification, as he’s going through that, my understanding is that you wish to replace the words, official opposition members, right after the first word, that, by members of the Legislative Assembly?

Now it says in both places, official . . . [inaudible interjection] . . . Oh yes, where it says, official opposition members, in no. 2, MLAs. So we would replace the words, official opposition members, in the two places that they occur in the existing motion, with MLAs. And then we would add, that technical briefings be made available to all members of the Legislative Assembly in advance of any media briefings. That’s to be added to no. 2. And that item 2 in the main motion be renumbered item 3 . . . [inaudible interjection] . . . Oh pardon me. I missed that. That a new item 2 be added.

And now speaking to the amendment, Mr. Morgan.

Mr. Morgan: — Mr. Speaker, we’ve debated this, so I don’t want to even summarize. We’ve certainly put the arguments forward on both sides. But what I might suggest was regardless of the outcome of this vote . . . is we may want to have our committee meet and use a hypothetical situation that this motion would pass and that all members would be entitled to attend technical briefings for the media, and might want to have a discussion and make recommendations to the House that said in the event that they were going to allow members to attend technical briefings, we may want to have a discussion as to how that might be implemented.

You know, Mr. Trew had raised the issue of seating, you know, but we may want to have that discussion so that we may want to accompany some recommendations in a draft form in the event that they wanted to consider that further.

The Chair: — Thank you. Any further discussion on the proposed amendment? The question before this committee is the amendment moved by Mr. Bjornerud, seconded by Mr. Elhard:

That the words “official opposition members” be amended to “members of the Legislative Assembly” in both places that they appear in the motion; and

That a new item 2 be added as follows:

That technical briefings be made available to all members of the Legislative Assembly in advance of any media briefings; and

That item 2 in the main motion be renumbered item 3.

We’ll take the vote on the motion. Those in favour of the amendment? I see three hands. Those who are opposed to the amendment? I see three. The vote comes out to a tie, and once again the Chair applies the same principle, that is that the decision of this committee should be made only by a majority. The Chair votes against it, and the amendment is defeated.

The question before us then is the motion of Mr. Morgan which reads:

That the committee recommend the following:

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, two:

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.

Those who favour the motion put by Mr. Morgan? There’s three. Those who are opposed? There are three. There is a tie to the motion. Once again the Chair has a prerogative of providing the casting vote. The decisions taken by the committee should be taken only by the majority. Therefore the Chair votes against the motion, and the motion is defeated.

We have a minute or two that . . . I ask at this time again if members wish to meet in camera for a moment, or do you wish to adjourn, or do members wish to . . . I do remind members we do have a deadline of Wednesday for which this committee is bound to report in some manner to the Assembly. Mr. Trew.

Mr. Trew: — I think it’s always in our best interest to try and reach some solution. Clearly all members wanted that. I think your suggestion of an in camera discussion, it can be whatever length of time — talking short period of time — to see if there’s some solution that might be attainable that’s in the interest of all elected officials. So I’d suggest that we do go in camera, Mr. Chair.

The Chair: — Yes, Mr. Bjornerud.

Mr. Bjornerud: — Well I don’t think we’re in agreeance with discussing anything further. We were asked by the House to discuss what we had on the table. We voted on it, Mr. Chair, and I think that’s as far as we’re willing to go.

The Chair: — That being the situation then, what I would do is I will reconvene or reschedule another meeting prior to Wednesday at a time when . . . we see if we can find it. So I ask

members for their indulgence because there may be difficulty in getting that time.

And it being now 10:30, the meeting will stand adjourned.

[The committee adjourned at 10:30.]